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FILE NO. 041638 MOTION NO. M05-1

[Zoning Appeal]

Motion disapproving decision of the Planning Commission by its Motion No. 16877 approving Conditional Use Application No. 2004,0141C, on property located at 100 Felton Street, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the decision of the Planning Commission by its Motion No. 16877 dated October 28, 2004 approving Conditional Use Application No. 2004.0141C, to allow the installation of a wireless telecommunications facility consisting of 6 panel antennas on an existing church and related equipment directly below in the attic as part of Cingular's wireless telecommunications network within a RH-2 (Residential-Two Family) Zoning District and a 40-X Height and Bulk District, located at:

100 Felton Street, northwest corner of Girard Avenue and Felton Street; Lot 013 in Assessor's Block 5926,

be and the same is disapproved.

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Tails
Motion

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File Number: 041638 **Date Passed:** January 4, 2005

Motion disapproving decision of the Planning Commission by its Motion No. 16877, approving Conditional Use Application No. 2004.0141C on property located at 100 Felton Street.

—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

File No. 041638

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for Gloria L. Young
Clerk of the Board

FILE NO. 041639 MOTION NO. M05-2

[Findings]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0141C, on property located at 100 Felton Street, for action by the Board at its next meeting.

IT IS HEREBY MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to proposed Conditional Use Application No. 2004.0141C on property located at 100 Felton Street, for action by the Board at its next meeting.

Clerk of the Board
BOARD OF SUPERVISORS

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Motion

File Number: 041639 **Date Passed:** January 4, 2005

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2004.0141C on property located at 100 Felton Street, for action by the Board at its next meeting.

—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

File No. 041639

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 041643 MOTION NO. M05-3

[Finding negative declaration appeal of 329 Bay St. timely.]

Motion finding the appeal of the negative declaration issued on June 22, 2004, for 329 Bay Street timely filed.

WHEREAS, On May 29, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 329 Bay Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On June 22, 2004, having received no appeal of the preliminary negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 329 Bay Street ("negative declaration") in accordance with Administrative Code Section 31.11(h); and

WHEREAS, On November 29, 2004, the Clerk of the Board received an appeal of the negative declaration from Arthur Chang, Katherine Petrin and Carolyn Blair ("Appellants"); and

WHEREAS, The California Public Resources Code Section 21151(c) was amended effective January 1, 2003, to provide that negative declarations are appealable to the elected decision-making body, but the Board of Supervisors has not yet adopted specific procedures or time lines providing for appeals of such negative declarations; and

WHEREAS, The Board of Supervisor's held a duly noticed public hearing on January 4, 2005, to consider whether the appeal filed by Appellant was timely; and

WHEREAS, This Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the question of whether the appeal was timely; now, therefore, be it

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MOVED, This Board hereby finds that the appeal is timely filed.

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City and County of San Francisco

Tails

Motion

File Number: 041643 **Date Passed:** January 4, 2005

Motion finding the appeal of the negative declaration issued on June 22, 2004, for 329 Bay Street timely filed.

—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

File No. 041643

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Preparation of findings related to the timeliness of the negative declaration appeal for 329 Bay Street.]

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the negative declaration appeal for 329 Bay Street.

WHEREAS, On May 29, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 329 Bay Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On June 22, 2004, having received no appeal of the preliminary negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 329 Bay Street ("negative declaration") in accordance with Administrative Code Section 31.11(h); and

WHEREAS, On November 29, 2004, the Clerk of the Board received an appeal of the negative declaration from Arthur Chang, Katherine Petrin and Carolyn Blair ("Appellants"); and

WHEREAS, The California Public Resources Code Section 21151(c) was amended effective January 1, 2003, to provide that negative declarations are appealable to the elected decision-making body, but the Board of Supervisors has not yet adopted specific procedures or time lines providing for appeals of such negative declarations; and

WHEREAS, The Board of Supervisor's held a duly noticed public hearing on January 4, 2005, to consider whether the appeal filed by Appellant was timely. Following the conclusion of the public hearing the Board rendered a decision on the timeliness of the negative declaration appeal based on the written record before the Board in File No. 041641, which is

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hereby declared to be a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the hearing of the appeal; and

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now therefore, be it

MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the timeliness of the negative declaration appeal for 329 Bay Street.

City and County of San Francisco

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Motion

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File Number: 041644 **Date Passed:** January 4, 2005

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the negative declaration appeal for 329 Bay Street.

—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

File No. 041644

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for Gloria L. Young
Clerk of the Board

FILE NO. 041717 MOTION NO. M05-5

[Reversing approval of the negative declaration for 329 Bay Street]

Motion reversing the Planning Department approval of the final negative declaration for 329 Bay Street.

WHEREAS, On May 29, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 329 Bay Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On June 22, 2004, having received no appeal of the preliminary negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 329 Bay Street ("negative declaration") in accordance with Administrative Code Section 31.11(h); and

WHEREAS, On November 29, 2004, the Clerk of the Board received an appeal of the negative declaration from Arthur Chang, Katherine Petrin and Carolyn Blair ("Appellants"); and

WHEREAS, This Board of Supervisor's held a duly noticed public hearing on January 4, 2005, to consider the negative declaration appeal filed by Appellant; and

WHEREAS, This Board has reviewed and considered the negative declaration and heard testimony, the appeal letter, a responses to concerns document prepared by the Planning Department and received public comment regarding the adequacy of this document; and

WHEREAS, The negative declaration files and all correspondence and other documents have been made available for review by this Board and the public. These files are

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available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors reverses the Planning Department's approval of the negative declaration.

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City and County of San Francisco

Tails

Motion

File Number: 041717 **Date Passed:** January 4, 2005

Motion reversing the Planning Department approval of the final negative declaration for 329 Bay Street.

—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Excused: 1 - Daly

File No. 041717

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 041718 MOTION NO. M05-6

Preparation of findings to reverse approval of the negative declaration for 329 Bay Street.]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Department approval of the negative declaration for 329 Bay Street.

WHEREAS, On May 29, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 329 Bay Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On June 22, 2004, having received no appeal of the preliminary negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 329 Bay Street ("negative declaration") in accordance with Administrative Code Section 31.11(h); and

WHEREAS, On November 29, 2004, the Clerk of the Board received an appeal of the negative declaration from Arthur Chang, Katherine Petrin and Carolyn Blair ("Appellants"); and

WHEREAS, The Board of Supervisor's held a duly noticed public hearing on January 4, 2005, to consider the negative declaration appeal filed by Appellants. Following the conclusion of the public hearing the Board reversed the Planning Department's approval of the negative declaration for 329 Bay Street based on the written record before the Board as well as all of the testimony at the public hearing in support of and opposed to the appeal. Said Motion and written record is in the Clerk of the Board of Supervisors File No. 041641 and is incorporated herein as though set forth in its entirety; and

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now therefore, be it

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MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its reversal of the Planning Department's approval of the negative declaration for 329 Bay Street.

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Motion

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File Number: 041718 **Date Passed:** January 4, 2005

Motion directing the Clerk of the Board to prepare findings reversing the Planning Department approval of the negative declaration for 329 Bay Street.

—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 6 - Ammiano, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Ma
Excused: 1 - Daly

File No. 041718

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

for Kay Gulbengay
Gloria L. Young
Clerk of the Board

FILE NO. 041738 MOTION NO. M05-7

[Emergency Disadvataged Business Enterprise Program – January 25, 2005, Committee of the Whole.]

Motion for the Board of Supervisors to convene as a committee of the whole on January 25, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

WHEREAS, A recent San Francisco Superior Court decision has resulted in the need for the City and County of San Francisco to consider immediately how best to implement a revised public contracting program to assist disadvantaged businesses conducting business with the City and County; and,

WHEREAS, The Board adopted by emergency ordinance an interim Disadvantaged Business Enterprise Program ("DBE"); and,

WHEREAS, The Board wishes to consider emergency legislation to reenact this DBE program in order to address the immediate need to avoid confusion and delay in public contracting, and January 25, 2005, is the next available meeting for Board consideration of this issue; and,

WHEREAS, Public testimony will be required before the Board may take any action on any proposed ordinances that would address this issue; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco shall hereby convene as a committee of the whole on January 25, 2005, to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program.

Supervisor Ammiano
BOARD OF SUPERVISORS

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Motion

File Number: 041738 **Date Passed:** January 4, 2005

Motion for the Board of Supervisors to convene as a committee of the whole on January 25, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

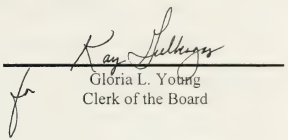
—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

File No. 041738

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 041743

MOTION NO. M05-8

[Approving temporary modification to the Legislative Chamber Seating for the President and the Clerk of the Board to accommodate accessibility]

Motion approving temporary modification to the Legislative Chamber seating for the President and the Clerk of the Board to accommodate accessibility.

WHEREAS, In 1990, during the renovations of the City and County of San Francisco's City Hall, an agreement was made between the City, preservation community and disabled community to defer any modifications to the Legislative Chamber; and,

WHEREAS, City staff have created conceptual drawings and alternatives for consideration by the Board of Supervisors, Mayor's Office of Disability, Landmark Preservation Board, and the disability community; and,

WHEREAS, The design review, and selection, and approval of expenses, etc., will require extensive time and public processes; and,

WHEREAS, There is an immediate need to ensure that the dais of the President of the Board and access to the Clerk of the Board are available to all; now, therefore, be it

MOVED, That the Board of Supervisors approves temporary modifications to the Legislative Chamber seating for the President and the Clerk of the Board to accommodate accessibility; and be it

FURTHER MOVED, That effective January 25, 2005, the President of the Board sit in the current Clerk of the Board's seat, and the Clerk of the Board move to a table on the Legislative Chamber floor.

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Supervisor Alioto-Pier

City and County of San Francisco
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Motion

File Number: 041743 **Date Passed:** January 4, 2005

Motion approving temporary modification to the Legislative Chamber seating for the President and the Clerk of the Board to accommodate accessibility.

—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

File No. 041743

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 041743

MOTION NO. M05-8

[Approving temporary modification to the Legislative Chamber Seating for the President and the Clerk of the Board to accommodate accessibility]

Motion approving temporary modification to the Legislative Chamber seating for the President and the Clerk of the Board to accommodate accessibility.

WHEREAS, In 1990, during the renovations of the City and County of San Francisco's City Hall, an agreement was made between the City, preservation community and disabled community to defer any modifications to the Legislative Chamber; and,

WHEREAS, City staff have created conceptual drawings and alternatives for consideration by the Board of Supervisors, Mayor's Office of Disability, Landmark Preservation Board, and the disability community; and,

WHEREAS, The design review, and selection, and approval of expenses, etc., will require extensive time and public processes; and,

WHEREAS, There is an immediate need to ensure that the dais of the President of the Board and access to the Clerk of the Board are available to all; now, therefore, be it

MOVED, That the Board of Supervisors approves temporary modifications to the Legislative Chamber seating for the President and the Clerk of the Board to accommodate accessibility; and be it

FURTHER MOVED, That effective January 25, 2005, the President of the Board sit in the current Clerk of the Board's seat, and the Clerk of the Board move to a table on the Legislative Chamber floor.

Supervisor Alioto-Pier

City and County of San Francisco
Tails
Motion

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File Number: 041743 **Date Passed:** January 4, 2005

Motion approving temporary modification to the Legislative Chamber seating for the President and the Clerk of the Board to accommodate accessibility.

—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

File No. 041743

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 041754 MOTION NO. M05-9

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Motion

File Number: 041754 **Date Passed:** January 4, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

File No. 041754

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 041755 MOTION NO. M05-10

[Emergency Declaration Concurrence – Influenza Vaccine.]

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

WHEREAS, On October 12, 2004, Mayor Gavin Newsom declared a local emergency to exist for certain limited purposes in connection with the inadequate supply of influenza vaccine in the Bay Area this flu season, following last week's announcement that nearly 50 million doses of influenza vaccine manufactured by Chiron would not be shipped; and

WHEREAS, The State of California's heavy dependence on Chiron to supply the vast majority of influenza vaccine for this year and the City and County of San Francisco's large population of elderly and immuno-compromised people, make the City vulnerable to unusually high rates of severe illness, hospitalization, and death this flu season; and

WHEREAS, Government Code Sections 8500 et seq. and Charter Section 3.100 provide for the concurrence by members of the Board of Supervisors in such emergency declaration, and in action taken by the Mayor to meet the emergency; and

WHEREAS, The State of California's Public Health Officer issued a Public Health Order on October 8, 2004, "directing all healthcare providers in the state to limit flu shots only to individuals in 'high-risk categories' and to refrain from immunizing healthy individuals in response to a national shortage of flu vaccine...[and] to screen individuals seeking flu shots to ensure that the vaccine is limited to the state's most vulnerable residents"; and

WHEREAS, The Mayor is informed and believes that the Counties of Alameda, Contra Costa, San Mateo, and Santa Clara intend to declare local states of emergency in their

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respective counties regarding the inadequate supply of influenza vaccine in the Bay Area this flu season; and

WHEREAS, Members of the Board of Supervisors heard reports from the Mayor and from the Director of Health concerning the inadequate supply of influenza vaccine in the Bay Area this flu season and the vulnerability of the City's large population of elderly and immuno-compromised people to unusually high rates of severe illness, hospitalization, and death this flu season, and reviewed the Mayor's emergency proclamation; now, therefore, be it

MOVED, That the Board of Supervisors concurs with the declaration of emergency issued by the Mayor, and in the actions taken by the Mayor to meet the emergency; and be it

FURTHER MOVED, That the emergency powers invoked by the Mayor, and the orders issued pursuant thereto, shall remain in effect only so long as conditions in the community justifying the declaration of emergency continue to exist; and be it

FURTHER MOVED, That the Board of Supervisors shall regularly review the need for continuing the local emergency as required by Government Code Section 8630.

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City and County of San Francisco

Tails

Motion

File Number: 041755 **Date Passed:** January 4, 2005

Motion concurring in the October 12, 2004 Declaration of the Existence of a Local Emergency for Limited Purposes by the Mayor, and in the actions taken to meet the emergency.

—

January 4, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Gonzalez, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Daly

File No. 041755

I hereby certify that the foregoing Motion was APPROVED on January 4, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for Gloria L. Young
Clerk of the Board

FILE NO. 041613 MOTION NO. M05-11

[Extends the due dates for a Community Choice Aggregation draft implementation plan and Request for Proposal to the Board of Supervisor by four months each.]

Motion approving the extension of the due dates for a Community Choice Aggregation draft implementation plan and a Request for Proposal to the Board of Supervisors as required under Ordinance No. 86-04 by four months each.

WHEREAS, The Board of Supervisors passed Ordinance 86-04, on file with the Clerk of the Board of Supervisors in File No. 040236, that required the City to take certain steps to aggregate the electrical load of electricity consumers in San Francisco, known as a Community Choice Aggregation (CCA) program under state law; and,

WHEREAS, State law requires that the California Public Utilities Commission (CPUC) establish rules by which any government entity can seek to provide electricity aggregation services to its citizens; and,

WHEREAS, The development of rules by the CPUC has taken longer than anticipated and will not be completed until the first or second quarter of 2005; and,

WHEREAS, The City is an active participant in a proceeding at the CPUC to establish such rules; and,

WHEREAS, Ordinance 86-04 requires, among other things, that the San Francisco Public Utilities Commission and the San Francisco Department of the Environment (collectively, "Departments") provide to the Board of Supervisors a Draft Implementation Plan for Community Choice Aggregation (CCA) within 6 month of the effective date of the ordinance, or by December 27, 2004; and,

WHEREAS, Ordinance 86-04 also requires that the Departments present to the Board of Supervisors a Draft Request for Proposal (RFP) to be used by potential electric service

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providers in submitting proposals to implement the City's adopted Implementation Plan. The Draft RFP is due to the Board of Supervisors by March 27, 2005; and,

WHEREAS, Without more certainty on what rules and costs the City will have to undertake to establish a CCA program under state law, the Departments cannot develop a accurate and reliable draft Implementation Plan; and,

WHEREAS, Without an accurate and reliable draft Implementation Plan it is difficult to develop a draft RFP to implement the plan; and,

WHEREAS, Ordinance 86-04 allows for the Board of Supervisors to extend the due dates of the draft Implementation Plan and the draft RFP by motion; now, therefore, be it

MOVED, That the Board of Supervisors extends the date by which the Departments must present a draft CCA Implementation Plan to the Board of Supervisors by 4 months, to April 27, 2005; and be it

FURTHER MOVED, That the Board of Supervisors extends the date by which the Departments must present a draft RFP to the Board of Supervisors by 4 months, to July 27, 2005.

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City and County of San Francisco

Tails

Motion

File Number: 041613 **Date Passed:** January 11, 2005

Motion approving the extension of the due dates for a Community Choice Aggregation draft implementation plan and a Request for Proposal to the Board of Supervisors as required under Ordinance No. 86-04 by four months each.

—

January 11, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 041613

I hereby certify that the foregoing Motion was APPROVED on January 11, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050105 MOTION NO. M05-12

[Appointment to San Francisco LAFCO]

Motion appointing Supervisor Ross Mirkarimi, term ending February 4, 2006, to the San Francisco Local Agency Formation Commission.

Government Code Section 56325 provides that the Local Agency Formation Commission shall consist of either four members of the Board of Supervisors, or three members of the Board of Supervisors and the Mayor. All four members are appointed by the Board of Supervisors. These four members shall select a public member to serve as the fifth member. The Board must also select two alternate commissioners.

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby appoint the hereinafter designated person to serve as a member of the Local Agency Formation Commission, pursuant to the provisions of Government Code Section 56325, for the term specified:

Supervisor Ross Mirkarimi, succeeding Supervisor Tony Hall, seat 4, must be a member of the San Francisco Board of Supervisors, term ending February 4, 2006.

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City and County of San Francisco

Tails

Motion

File Number: 050105 **Date Passed:** January 25, 2005

Motion appointing Supervisor Ross Mirkarimi, term ending February 4, 2006, to the San Francisco Local Agency Formation Commission.

—

January 25, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

File No. 050105

I hereby certify that the foregoing Motion was APPROVED on January 25, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Amendment of the Whole in Board
1/25/05

FILE NO. 050043 MOTION NO. M05-13

[Adopting findings related to the appeal of the negative declaration issued by the Planning department for the 329 Bay Street project.]

Motion adopting findings related to the appeal of the negative declaration issued by the Planning Department on June 22, 2004 for 329 Bay Street.

On May 29, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 329 Bay Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31. The negative declaration stated that no trees would be removed to accommodate the project and that the project sponsor would hire an arborist to develop procedures during construction of the project for protecting the existing Acacia tree that fronts the project site on Vandewater Street.

On June 22, 2004, having received no appeal of the preliminary negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 329 Bay Street ("negative declaration") in accordance with Administrative Code Section 31.11(h). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 041641 and is incorporated by reference herein.

On November 23, 2004, the Planning Department issued an addendum to the final mitigated negative declaration that determined that removal of the tree would not result in a significant impact.

On November 29, 2004, the Clerk of the Board received an appeal of the negative declaration from Arthur Chang, Katherine Petrin and Carolyn Blair ("Appellants").

This Board held a duly noticed public hearing on January 4, 2005, to consider the negative declaration appeal filed by Appellants. Following the conclusion of the public hearing the Board reversed the Planning Department's approval of the mitigated negative declaration

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for 329 Bay Street based on the whole record before the Board including the written record in File No. 041718, which is hereby declared to be a part of this motion as if set forth fully herein; the written submissions to and official written records of the Planning Department determination on the negative declaration and subsequent determinations of the Planning Department related to the 329 Bay Street project; the official written and oral testimony at and audio and video records of the public hearing in support of and opposed to the appeal and deliberation of the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the appeal of the negative declaration.

MOVED, That the Board of Supervisors finds that the mitigated negative declaration is inadequate and incomplete in its consideration of the environmental context and setting in that the mitigated negative declaration did not consider the unique character that the street has due to the existing Acacia tree that forms a significant part of the tree canopy on the street created by the intimate street scale and the number of mature trees on the street, unlike other streets in the ~~immediate~~ vicinity of the project.

FURTHER MOVED, That the Board of Supervisors finds that there appears to be substantial evidence to support a fair argument that the project may have potentially significant environmental effects not considered in the final mitigated negative declaration as a result of the cumulative effect on biological resources of the removal of the 40-year old Acacia tree in conjunction with the potential removal of other trees on the street and the effect of the removal of the 40-year old Acacia tree and potentially other trees on this street's unique character and urban setting. ~~that may occur from removal of several trees from this section of Vandewater Street. According to Appellants, a project is proposed at 84 Vandewater Street, where two street trees are located. The project sponsor's stated reasons for removal of the Acacia tree appear to be present in the case of 84 Vandewater Street and the other tree~~

~~fronting on Vandewater Street at the 329 Bay Street project. Therefore, Appellants presented substantial evidence that several trees may need to be removed from this section of Vandewater Street to accommodate the 329 Bay Street project and the 84 Vandewater Street project. The negative declaration did not analyze the effect on biological resources and on the unique character and urban setting created by the of the removal of several trees on this section of Vandewater Street.~~

FURTHER MOVED, That the Board of Supervisors directs the Planning Department to reevaluate the project based on the findings set forth above and in light of the whole record, to consider the cumulative effects of the project on biological resources and to consider the effect of the project, including any proposal to remove the 40-year old Acacia tree, on the street's unique character and urban setting and to ~~determine whether substantial evidence supports a fair argument that the project may have potentially significant environmental effects; if not, to~~ revise the negative declaration in light of the findings set forth above, to include mitigation measures as necessary and feasible, to mitigate any additional identified significant effects, or, if mitigation is not feasible, ~~; if so,~~ to prepare an environmental impact report that discloses impacts that cannot be mitigated and considers project alternatives to mitigate the identified significant effects. ~~the cumulative effect of the project in combination with other proposed projects on biological resources and provides an objective analysis of mitigation and a reasonable range of alternatives.~~

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 050043 **Date Passed:** January 25, 2005

Motion adopting findings related to the appeal of the negative declaration issued by the Planning Department on June 22, 2004 for 329 Bay Street.

—

January 6, 2005 Board of Supervisors — REFERRED: Board of Supervisors

January 25, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

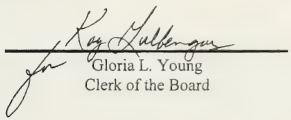
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

January 25, 2005 Board of Supervisors — APPROVED AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050043

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on January 25, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

Amendment of the Whole in Board
1/25/05

FILE NO. 050044 MOTION NO. M05-14

[Adopting findings related to the determination that the appeal of the negative declaration for the 329 Bay Street project was timely.]

Motion adopting findings related to the determination that the appeal of the negative declaration for the 329 Bay Street project was timely filed.

On May 29, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 329 Bay Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31. The negative declaration stated that no trees would be removed to accommodate the project and that the project sponsor would hire an arborist to develop procedures during construction of the project for protecting the existing Acacia tree that fronts the project site on Vandewater Street.

On June 22, 2004, having received no appeal of the preliminary negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 329 Bay Street ("negative declaration") in accordance with Administrative Code Section 31.11(h). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 041641 and is incorporated by reference herein.

On November 23, 2004, the Planning Department issued an addendum to the final mitigated negative declaration that determined that removal of the tree would not result in a significant impact.

On November 29, 2004, the Clerk of the Board received an appeal of the negative declaration from Arthur Chang, Katherine Petrin and Carolyn Blair ("Appellants").

The California Public Resources Code Section 21151(c) was amended effective January 1, 2003, to provide that negative declarations are appealable to the elected decision-

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making body. The Board of Supervisors has not adopted specific time limits for appeals of such negative declarations.

This Board held a duly noticed public hearing on January 4, 2005, to consider whether the appeal filed by Appellants was timely. Following the conclusion of the public hearing the Board determined that the appeal was timely filed, based on the whole record before the Board, including the written record in File No. 041644, which is hereby declared to be a part of this motion as if set forth fully herein, as well as written submission to, public testimony at, and official written, video and audio records of the Planning Department determination on the negative declaration and subsequent determinations of the Planning Department related to the 329 Bay Street project, and deliberation of the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the question of whether the appeal was timely.

MOVED, That the Board of Supervisors finds that the Appellants first became knowledgeable that the project sponsor intended to remove the Acacia tree on Vandewater Street in August 2004, when the project sponsor applied for a permit to cut down the tree and then became aware that ~~around the time that~~ the project sponsor had submitted a report from Roy C. Leggitt, Consulting Arborist, to the Department of Public Works ("DPW"), recommending removal of the tree. By this time, the deadline for filing an appeal of the preliminary negative declaration to the Planning Commission had passed.

FURTHER MOVED, That the Board of Supervisors finds that Appellants did not appeal the preliminary negative declaration to the Planning Commission because the preliminary negative declaration stated that the project sponsor intended to retain the tree and would consult with an arborist and DPW as to how to protect the tree during construction.

FURTHER MOVED, That the Appellants first became aware that the Planning Department had determined that removal of the tree would not result in a significant impact

when the Planning Department issued an addendum to the final mitigated negative declaration on November 23, 2004.

FURTHER MOVED, That Appellants filed the appeal to the Board of Supervisors on November 29, 2004, six days after the issuance of the addendum and prior to the issuance of a permit from DPW that is required for removal of the tree.

FURTHER MOVED, That in light of all of the facts and circumstances of the matter the Board of Supervisors finds that the Appellants brought the appeal of the negative declaration within a reasonable period of time.

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 050044 **Date Passed:** January 25, 2005

Motion adopting findings related to the determination that the appeal of the negative declaration for the 329 Bay Street project was timely filed.

—

January 6, 2005 Board of Supervisors — REFERRED: Board of Supervisors

January 25, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

January 25, 2005 Board of Supervisors — APPROVED AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050044

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on January 25, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 050046 MOTION NO. M05-15

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
BOARD OF SUPERVISORS

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Tails

Motion

File Number: 050046 **Date Passed:** January 25, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

—

January 25, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050046

I hereby certify that the foregoing Motion was APPROVED on January 25, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Gloria L. Young
Clerk of the Board

FILE NO. 050047 MOTION NO. M05-16

[Adopting findings related to the conditional use appeal on property located at 100 Felton]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 16877 (which approved the installation of a wireless telecommunications system facility consisting of six panel antennas on an existing church and related equipment directly below in the attic as part of Cingular's wireless telecommunications network within a RH-2 (Residential-Two Family) Zoning District and a 40-X Height and Bulk District, located at 100 Felton Street, northwest corner of Girard Avenue and Felton Street (Lot 013 in Assessor's Block 5926).

The appellant, Dwayne Jusino, filed a timely appeal on November 29, 2004, protesting the approval by the Planning Commission of an application for a conditional use authorization (Conditional Use Application No. 2004.0141C, approved by Planning Commission Motion No. 16877 dated October 28, 2004), pursuant to Planning Code Section 209.6, to authorize the installation of a wireless telecommunications system facility consisting of six panel antennas on an existing church and related equipment directly below in the attic as part of Cingular's wireless telecommunications network within a RH-2 (Residential-Two Family) Zoning District and a 40-X Height and Bulk District, located at 100 Felton Street, northwest corner of Girard Avenue and Felton Street (Lot 013 in Assessor's Block 5926).

The San Francisco Planning Commission adopted the Wireless Telecommunications Services ("WTS") Facilities Siting Guidelines in August of 1996 ("Guidelines") to assist the Planning Department in its consideration of applications for conditional use authorization to install WTS facilities. These Guidelines are not binding on the Board of Supervisors. The Guidelines establish location preferences for installation of WTS facilities throughout the City. The location preferences set forth seven categories, with location preference one being the

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most preferred sites, and location preference seven being the most disfavored sites. The property located at 100 Felton falls within a location preference 1 – a preferred location with a publicly used structure.

On January 4, 2005, the Board of Supervisors conducted a duly noticed public hearing on the appeal from the Planning Commission's approval of the conditional use authorization referred to in the first paragraph of this motion. Following the conclusion of the public hearing on January 4, 2005, the Board voted to disapprove the decision of the Planning Commission (Planning Commission Motion No. 16877 dated October 28, 2004) and denied the issuance of the requested Conditional Use Application No. 2004.0141C by a vote of ten to zero.

In considering the appeal of the approval of the requested conditional use authorization, the Board reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 16877 dated October 28, 2004, except as indicated below.

FURTHER MOVED, That the Board of Supervisors further took notice that the project was categorically exempt from environmental review pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code. The Board finds that there have been no substantial changes in project circumstances and no new information of substantial importance that would change the determination of categorical exemption issued by the Planning Commission.

FURTHER MOVED, That the Board of Supervisors finds that:

1. The written and oral information provided by the applicant to the Board was not persuasive or objectively verified, and the applicant was unable to demonstrate credibly that

the proposed WTS facility is necessary for the neighborhood or the community, contrary to the requirements of Section 303(c)(1) of the Planning Code.

2. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that there is no necessity for the proposed WTS facility to be approved and installed for residential or business purposes in the neighborhood or the community because the proposed WTS facility is not necessary to meet the applicant's present service demands within the geographic service area defined by the applicant.

3. The written and oral information provided by the applicant at the January 4, 2005, public hearing showed that, according to the applicant, the proposed WTS facility would improve the quality of the service offered by applicant, will expand the array of communications services the applicant can offer, will improve the convenience of service and will reduce the cost of wireless communication to the consumer. The applicant also asserted that the WTS facility would provide better coverage and increase the capacity for coverage for its customers.

4. Notwithstanding this information submitted by the applicant, the written and oral information provided by the appellant and his supporters at the January 4, 2005, public hearing showed that the applicant presently had acceptable service in the geographic area of the proposed WTS facility from the applicant's existing WTS facilities in the vicinity of the proposed site.

5. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that the location of the proposed WTS facility is incompatible with the existing character of the neighborhood, contrary to the requirements of Section 303(c)(1) of the Planning Code.

6. The written and oral information provided by the appellant and her supporters at the January 4, 2005, public hearing showed that: (i) the area surrounding the proposed site is residential; (ii) the proposed WTS facility consists of six panel antennas; and (iii) the proposed WTS facility would be mounted within a new 4'-2" high cupola on top of an existing church.

7. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that the location of the proposed WTS facility is undesirable for the neighborhood or the community, contrary to the requirements of Section 303(c)(1) of the Planning Code. Members of the public expressed overwhelming opposition to the proposed WTS facility during the January 4, 2005, hearing before the Board.

8. Testimony at the public hearing on January 4, 2005, also demonstrated that sales representatives from Cingular Wireless (the applicant) represented to members of the public that their coverage in the subject neighborhood was as good as that of the applicant's competitors.

9. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will unreasonably discriminate against the applicant in favor of providers of functionally equivalent services.

10. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will limit or prohibit access to wireless telecommunications services in the geographic area of the proposed site.

11. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will prevent the filling of a significant gap in wireless telecommunications services provided to remote users of those services in the geographic area of the proposed site, whether those remote users obtain service from the applicant or from other wireless service providers serving the City.

12. There is nothing in the record to suggest that the applicant exhausted its search for alternative sites for the proposed WTS facility or that the proposed WTS facility would be the least intrusive means for the applicant to improve its service quality in the geographic area of the proposed site.

13. In the written and oral information provided at the January 4, 2005, public hearing, members of the public expressed concern that radio frequency emissions from the proposed WTS facility would have adverse health effects on persons residing in the vicinity. In making these statements, members of the public exercised their constitutional right to petition the government. However, there is evidence in the record that the proposed WTS facility would comply with Federal Communications Commission safety standards for radio frequency radiation exposure. Thus, in disapproving the decision of the Planning Commission and denying the issuance of the requested conditional use authorization, the Board has not relied on the public testimony or public documentation concerning this issue and the Board has not based its determination on such a ground.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 9 made by the Planning Commission was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not desirable for and compatible with the neighborhood or the community. The construction of the proposed WTS facility would result in an additional intrusion of unnecessary, noticeable equipment into a neighborhood that contains a high proportion of residential property and that is adjacent to parks, scenic shorelines and historically significant buildings. The proposed WTS facility is not so located, designed, and treated architecturally as to minimize visibility from public places. The proposed WTS facility is not generally in harmony with neighborhood character.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs,

the Board of Supervisors finds that Finding 10 made by the Planning Commission was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not in conformity with, and would not implement the policies of, the City's General Plan, in that the installation of the proposed WTS facility will not further any of the objectives referred to by the Planning Commission.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 11 made by the Planning was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility does not conform with the priority planning policies established by Section 101.1(b) of the Planning Code because the proposed WTS facility: (i) is not necessary to preserve and enhance existing neighborhood-serving retail uses and to preserve and enhance future opportunities for resident employment in and ownership of such businesses (see Section 101.1(b)(1)); (ii) is not necessary to conserve and protect existing housing and neighborhood character (see Section 101.1(b)(2)); (iii) is not necessary to preserve and enhance the City's supply of affordable housing (see Section 101.1(b)(3)); (iv) may increase commuter traffic and impede and overburden the streets (see Section 101.1(b)(4)); (v) is not necessary to maintain a diverse economic base by protecting the City's industrial and service sectors from displacement due to commercial office development or to enhance future opportunities for resident employment and ownership in these sectors (see Section 101.1(b)(5)); (vi) is not necessary to add to the City's preparedness to protect against injury and loss of life in an earthquake (see Section 101.1(b)(6)); (vii) is not necessary to preserve any landmarks and historic buildings (see Section 101.1(b)(7)); and (vii) is not necessary to protect City parks and open space and their access to sunlight and vistas from development (see Section 101.1(b)(8)).

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 12 made by the Planning Commission was incorrect and without substantiation, and the Board finds that the conditional use authorization would not promote the health, safety and welfare of the City, and will only add an unnecessary and redundant service and will result in an additional intrusion of unnecessary, noticeable equipment into a neighborhood that contains a high proportion of residential property and that is adjacent to parks, scenic shorelines and historically significant buildings.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved the decision of the Planning Commission by its Motion No. 16877 dated October 28, 2004, and denied the issuance of Conditional Use Authorization No. 2003.1047C.

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 050047 **Date Passed:** January 25, 2005

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 16877 (which approved the installation of a wireless telecommunications system facility consisting of six panel antennas on an existing church and related equipment directly below in the attic as part of Cingular's wireless telecommunications network within a RH-2 (Residential-Two Family) Zoning District and a 40-X Height and Bulk District, located at 100 Felton Street, northwest corner of Girard Avenue and Felton Street (Lot 013 in Assessor's Block 5926).

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January 13, 2005 Board of Supervisors — REFERRED: Board of Supervisors

January 25, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050047

I hereby certify that the foregoing Motion was APPROVED on January 25, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

AS AMENDED IN COMMITTEE - 1/19/05

FILE NO. 050051 MOTION NO. M05-17

[Changes to Board Committees.]

Motion amending the Rules of the Board of Supervisors by amending Rules 5.1 - 5.6 to create a standing Government Audit and Oversight Committee and a Standing Budget and Finance Committee; to Repeal the Rules Related to the Finance and Audits Committee and Budget Committee; to change the name of the City Services Committee to the City Operations and Neighborhood Services Committee; and to Define the Responsibilities and Jurisdiction of the Budget and Finance Committee, the Government Audit and Oversight Committee, the Rules Committee, the City Operations and Neighborhood Services Committee and the Land Use Committee.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby amends Rule 5.1 - 5.6 of the Rules of Order of the Board of Supervisors to read as follows:

5.1 Budget *and Finance* Committee. The Budget *and Finance* Committee shall be referred *appropriation ordinances, and measures concerning bond issues, taxes, fees and other revenue measures, redevelopment, and real estate. The Budget and Finance Committee shall also be referred* the annual appropriation and annual salary ordinances. *The Budget and Finance Committee shall hold a public hearing on the Mayor's budget instructions to City Departments for each annual City budget after the instructions are released.*

The Budget *and Finance* Committee shall be comprised of ~~*five*~~ *three* members *except that beginning on March 1 of each year the Committee shall be comprised of five members and shall*

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remain a Committee of five members until the Board of Supervisors adopts the annual appropriation and salary ordinances. Following the adoption of the annual appropriation and salary ordinances by the Board of Supervisors, the committee will be reduced to three members ~~*and consider strategies for the economic enhancement of the City and County of San Francisco*~~.

5.2 ~~*Finance and*~~ *Government* Audit~~s~~ *and Oversight* Committee. The ~~*Finance and*~~ *Government* Audit~~s~~ *and Oversight* Committee shall be referred ~~*appropriation ordinances, and measures concerning bond issues, taxes, fees and other revenue measures,*~~ labor agreements, ~~*redevelopment, and real estate. and*~~ audits of City departments and agencies *and Grand Jury Reports*. ~~*The Finance and Audits Committee shall hold a public hearing on the Mayor's budget instructions to City Departments for each annual City budget after the instructions are released.*~~ The *Government* ~~*Finance and*~~ Audit~~s~~ *and Oversight* Committee shall:

5.2.1 Maintain a direct and separate line of communication between the Board and the City and County's independent auditor;

5.2.2 Meet with the independent auditor to review the audited annual financial statement and the auditor's report on such matters as the quality and depth of management and compliance;

5.2.3 Recommend appropriate action to be taken by the Board to implement recommendations contained in the audit report;

5.2.4 Follow up, as necessary, to ensure that approved recommendations are promptly implemented;

5.2.5 Review recommendations of the Controller and of the Budget Analyst contained in their performance audits and management audits; and

5.2.6 Perform other duties as assigned by the Board

5.3 Rules Committee. The Rules Committee shall be referred measures concerning appointments, ballot measures and ballot arguments, Charter amendments, ~~*Grand Jury*~~

~~reports~~, amendments to the Administrative Code, and Rules of Order claims, litigation, and rewards.

5.4. City *Operations and Neighborhood* Services Committee. The City *Operations and Neighborhood* Services Committee shall be referred measures related to public works, infrastructure, *traffic and parking control,* ~~neighborhood~~ parks and recreation, utilities, public protection, delinquency prevention, public health, emergency services, seniors, the disabled, children and their families.

5.5. Land Use Committee. The Land Use Committee shall be referred measures related to housing, land use, zoning, planning, rent control, transportation *(except traffic control)*, the Municipal Railway, homelessness and the environment.

5.6 Fiscal Committees. ~~(~~ In accordance with Administrative Code Section 2.6-3 concerning fiscal impact, the ~~*Finance and*~~ *Government* Audit~~s~~ *and Oversight* Committee ~~*shall be a "fiscal committee" of the Board,*~~ *and* the Budget *and Finance* Committee shall *each* be a "fiscal committee" of the Board ~~*for purposes of considering the annual appropriation and annual salary ordinances,*~~ and the other committees of the Board, solely for the purpose of considering grants to the City within their subject areas, shall also be considered "fiscal committees".

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 050051 **Date Passed:**

Motion amending the Rules of the Board of Supervisors by amending Rules 5.1 - 5.6 to create a standing Government Audit and Oversight Committee and a Standing Budget and Finance Committee; to Repeal the Rules Related to the Finance and Audits Committee and Budget Committee; to change the name of the City Services Committee to the City Operations and Neighborhood Services Committee; and to Define the Responsibilities and Jurisdiction of the Budget and Finance Committee, the Government Audit and Oversight Committee, the Rules Committee, the City Operations and Neighborhood Services Committee and the Land Use Committee.

—

January 25, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

File No. 050051

I hereby certify that the foregoing Motion was APPROVED on January 25, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050052 MOTION NO. M05-18

[Schedule for Regular Board Meetings.]

Motion amending the Rules of the Board of Supervisors by amending Rule 6.2 to provide that the Board shall meet every Tuesday, unless that Tuesday is a holiday, and shall not meet during the week after Thanksgiving or the week between December 24 and December 31.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby amends Rule 6.2 of the Rules of Order of the Board of Supervisors to read as follows:

6.2 Regular Meetings of Board. ~~*Through January 27, 2003, the Board shall hold a regular meeting in the Chamber in City Hall each week at 2:00 p.m. on Monday, unless it is a holiday, in which case the meeting shall be held on the next regular business day. Effective the week of February 2, 2003, the*~~ *The* Board shall hold a regular meeting in the Chamber in City Hall each week at 2:00 p.m. on Tuesday, unless it is a holiday, in which case the meeting shall be *cancelled* ~~*held on the next regular business day*~~. The Board shall not meet during the week after Thanksgiving~~,~~ *or* between December 24 and December 31, inclusive. ~~*, nor on any Monday or Tuesday if the following day is a holiday, unless the Board, by majority vote, decides to hold a meeting at these times. Neither the Board of Supervisors nor any of its Committees shall convene regularly scheduled meetings during weeks when a holiday occurs, effective beginning the week of May 26, 2003, except that regularly scheduled Board and Committee meetings may be held on Monday through Wednesday of Thanksgiving week, and shall not be scheduled during the week following Thanksgiving. In addition, neither the Board nor any of its committees shall convene regularly scheduled meetings*~~

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~~*during the week of the first Tuesday of March, June and August. Further, neither the Board nor any of its Committees shall convene regularly scheduled meetings during the week of the first Tuesday of April, in honor of the birthday (March 31) of Cesar Chavez.*~~

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 050052 **Date Passed:** January 25, 2005

Motion amending the Rules of the Board of Supervisors by amending Rule 6.2 to provide that the Board shall meet every Tuesday, unless that Tuesday is a holiday, and shall not meet during the week after Thanksgiving or the week between December 24 and December 31.

—

January 25, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

File No. 050052

I hereby certify that the foregoing Motion was APPROVED on January 25, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for Gloria L. Young
Clerk of the Board

FILE NO. 050152 MOTION NO. M05-19

[Final Map for a 23 Unit Mixed-Use Condominium Project]

Motion approving Final Map of 6900 Geary Boulevard, A Mixed-Use Condominium Project, being a subdivision of Lot 7 in Assessor's Block No. 1465, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 6900 Geary Boulevard, a Mixed-Use Condominium Project," being a subdivision of Lot 7, Portion of Assessor's Block No. 1465, comprising 7 sheets, approved the 12th Day of January, 2005 by Department of Public Works Order No. 175,169, be and the same is hereby approved and adopted as the Official Map of 6900 Geary Boulevard a Mixed-Use Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated September 10, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

DEPARTMENT OF PUBLIC WORKS
BOARD OF SUPERVISORS

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Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 050152 **Date Passed:** February 1, 2005

Motion approving Final Map of 6900 Geary Boulevard, A Mixed-Use Condominium Project, being a subdivision of Lot 7 in Assessor's Block No. 1465, and adopting findings pursuant to Planning Code Section 101.1.

February 1, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

File No. 050152

I hereby certify that the foregoing Motion was APPROVED on February 1, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 041775 MOTION NO. M05 20

[Appointment - Ethics Commission]

Motion appointing Eileen Hansen, term ending February 1, 2011, to the Ethics Commission.

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby appoint the hereinafter designated person to serve as a member of the Ethics Commission, pursuant to the provisions of the San Francisco Charter Section 15.100, for the term specified:

Eileen Hansen, succeeding Michael Garcia, term expiring February 1, 2005, seat 1, must be broadly representative of the general public, for a six-year term ending February 1, 2011.

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Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 041775 **Date Passed:** February 8, 2005

Motion appointing Eileen Hansen, term expiring February 1, 2011, to the Ethics Commission.

February 1, 2005 Board of Supervisors — CONTINUED

Ayes: 6 - Ammiano, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Daly, Elsbernd, Ma
Excused: 1 - Dufty

February 8, 2005 Board of Supervisors — APPROVED

Ayes: 7 - Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Peskin
Noes: 3 - Alioto-Pier, Elsbernd, Sandoval
Excused: 1 - Mirkarimi

File No. 041775

I hereby certify that the foregoing Motion was APPROVED on February 8, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050172 MOTION NO. M05-21

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Motion

City Hall
1 Dr. Carlton B. Goodlett Place
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File Number: 050172 **Date Passed:** February 8, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

February 8, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

File No. 050172

I hereby certify that the foregoing Motion was APPROVED on February 8, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050174 MOTION NO. M05-22

[Suspending Board Rules to permit the Clerk of the Board to expedite preparation of the Board's 2005-2006 budget for submission to the Mayor.]

Motion suspending Board Rules 6.23 and 6.24 to permit the Clerk of the Board of Supervisors to expedite preparation of the Board's proposed 2005-2006 fiscal year budget for submission to the Mayor by waiving the requirements that a Committee of the Board conduct a hearing to discuss budget balancing guidelines, and that a Committee hearing be conducted for review of the proposed budget prior to its submission to the Mayor.

WHEREAS, On September 14, 2004, the Clerk of the Board requested a hearing to consider the annual review and approval of the Board of Supervisors/Clerk of the Board Annual Budget Guidelines for Fiscal Year 2005-06; and

WHEREAS, Due to the occurrence of holidays at the end of 2004 and at the beginning of 2005, the inauguration of newly elected and re-elected Supervisors on January 8, 2005, the selection of a new Board President on January 8, 2005, the reorganization of Board Committees in January of 2005, the appointment of new Committee members in January of 2005, the reorganization of Committee meeting schedules in January and February of 2005, the need to transfer Board files to the new Committees, and the necessary cancellation of Board and Committee meetings during December of 2004 and January of 2005 to accommodate all of these activities, it has been impossible for the Board to process its proposed 2005-2006 fiscal year budget consistent with the provisions set forth in Board Rules 6.23 and 6.24; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco, as allowed by Rule 4.37, hereby suspends the operation of Rules 6.23 and 6.24 of the Board's Rules of Order with regard to the Board's review and consideration of its proposed 2005-2006

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fiscal year budget, including the requirements that the Board conduct a Committee hearing on proposed budget balancing guidelines, and a Committee hearing on the proposed budget prior to submission to the Mayor.

City Hall
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San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 050174 **Date Passed:** February 8, 2005

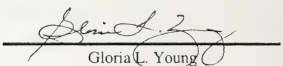
Motion suspending Board Rules 6.23 and 6.24 to permit the Clerk of the Board of Supervisors to expedite preparation of the Board's proposed 2005-2006 fiscal year budget for submission to the Mayor by waiving the requirements that a Committee of the Board conduct a hearing to discuss budget balancing guidelines, and that a Committee hearing be conducted for review of the proposed budget prior to its submission to the Mayor.

February 8, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Mirkarimi

File No. 050174

I hereby certify that the foregoing Motion was APPROVED on February 8, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 050050 MOTION NO. M05-23

[Limiting Single Supervisor's Ability to Call Matters from Committee.]

Motion amending the Rules of Order of the Board of Supervisors to amend Rule 5.31 Failure of a Committee to Act within 30 Days and Rule 2.14 Committee Action, thereby allowing four Supervisors to call a matter from Committee and allowing one Supervisor to call a matter from Committee that has not been heard in Committee within thirty days of assignment to Committee.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby amends Rules 5.31 and 2.14 of the Rules of Order of the Board of Supervisors as follows:

5.31 Failure of a Committee to Act within 30 Days. Should the committee to which a measure has been referred not report such measure to the Board within 30 days from the date of such reference, ~~*any*~~ *four or more* Supervisors may, at any subsequent Board meeting at Roll Call for Introductions, call for said measure to be presented to the Board by inclusion on the agenda of its *next* regular meeting ~~*next*~~ following that at which the call is made. *Should a measure that has been referred to Committee not be heard within 30 days from the date of such reference, any Supervisor may, at any subsequent Board meeting at Roll Call for Introductions, call for said measure to be presented to the Board by inclusion on the agenda of its next regular meeting following that at which the call is made.* If the President has determined that a measure creates or revises major City policy (Rule 5.40), then the 30-day period provided for in this Rule (5.31)

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shall not begin to run until the 30-day period imposed by the President (Rule 5.40) has expired.

2.14. Committee Action. Legislation assigned to a committee requires a majority of the three members of a committee in order to be sent to the full Board, as introduced, or as amended by the committee. A committee may send legislation to the full Board with its recommendation, or without recommendation, or with a recommendation of do not pass. Other committee actions include: continue to a specified future meeting date, continue to the call of the chair, or table. ~~*If a committee has not acted on an ordinance or resolution within 30 days after its referral to committee, any Supervisor may cause the matter to be "called from committee" and considered by the full Board.*~~

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1 Dr. Carlton B. Goodlett Place
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City and County of San Francisco

Tails

Motion

File Number: 050050 **Date Passed:** February 15, 2005

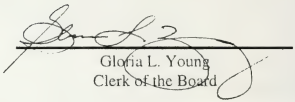
Motion amending the Rules of Order of the Board of Supervisors to amend Rule 5.31 Failure of a Committee to Act within 30 Days and Rule 2.14 Committee Action, thereby allowing four Supervisors to call a matter from Committee and allowing one Supervisor to call a matter from Committee that has not been heard in Committee within thirty days of assignment to Committee.

February 15, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

File No. 050050

I hereby certify that the foregoing Motion was APPROVED on February 15, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 050131 MOTION NO. M05-24

[Rules of Order of the Board – Board Member Report on activities at Regional Agencies.]

Motion amending the Rules of Order 3.9 Roll Call for Introductions to provide a report on activities at regional agencies.

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby amend Rule 3.9 to read as follows:

3.9 Roll Call for Introductions. Items which request the City Attorney to prepare legislation, approve draft ordinances, or issue legal advice, and requests for letters of inquiry may be presented during the Roll Call for Introductions. At the Board Meeting of February 4, 2003, Supervisors from odd-numbered districts shall be permitted to introduce items on Roll Call. For all subsequent Board Meetings, Supervisors shall be permitted to introduce items on Roll Call at alternate meetings, with odd and even-numbered districts alternating consistent with the schedule that begins on February 4, and 11, 2003. *Board Members serving on regional agencies and bodies shall provide brief reports regarding actions of those agencies as they relate to the operation of the City and County of San Francisco. The schedule for reporting shall depend on the frequency with which each regional body convenes and shall be promulgated by the Clerk of the Board in consultation with the Board President. In the event that more then one member of the Board serves on the same body, the Clerk shall designate one member to provide the report from that body.* A Supervisor who is not scheduled to be called on Roll Call at a Board Meeting may introduce an item on Roll Call at that meeting by requesting recognition of the Clerk. Such

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requests also may be submitted to the Clerk of the Board between Board meetings and shall be acted on in the name of the Board promptly after receipt by the Clerk of the Board.

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City and County of San Francisco

Tails

Motion

File Number: 050131 **Date Passed:** February 15, 2005

Motion amending the Rules of Order 3.9 Roll Call for Introductions to provide a report on activities at regional agencies.

February 15, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

File No. 050131

I hereby certify that the foregoing Motion was APPROVED on February 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050170 MOTION NO. M05-25

[Final Map for a 5 Unit Residential Condominium Project]

Motion approving Final Map of 1562-1564-1566-1568-1570 Fell Street, A Residential Condominium Project, being a subdivision of Lot 15 in Assessor's Block No. 1207, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 1562-1564-1566-1568-1570 Fell Street, a Residential Condominium Project," being a subdivision of Lot 15, Portion of Assessor's Block No. 1207, comprising 4 sheets, approved the 19th Day of January 2005 by Department of Public Works Order No. 175,187, be and the same is hereby approved and adopted as the Official Map of Map of 1562-1564-1566-1568-1570 Fell Street, a Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated April 28, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

DEPARTMENT OF PUBLIC WORKS
BOARD OF SUPERVISORS

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City and County of San Francisco

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Motion

File Number: 050170 **Date Passed:** February 15, 2005

Motion approving Final Map of 1562-1564-1566-1568-1570 Fell Street, A Residential Condominium Project, being a subdivision of Lot 15 in Assessor's Block No. 1207, and adopting findings pursuant to Planning Code Section 101.1.

February 15, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

File No. 050170

I hereby certify that the foregoing Motion was APPROVED on February 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050209 MOTION NO. M05-26

[Board Off-site Meetings]

Motion ordering the City and School District Select Committee meeting(s) of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on March 14, May 9, July 11, September 12 and November 14, 2005 at 4:00 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.

WHEREAS, In the November 1993 election, Proposition O was passed by the voters of San Francisco to allow committee meetings of the San Francisco Board of Supervisors to be held outside of City Hall; and

WHEREAS, The 1996 Charter Section 2.103 continued to allow meetings of the San Francisco Board of Supervisors committees to be held outside of City Hall; and

WHEREAS, The Board of Supervisors on February 1, 2005 introduced a Motion extending the joint City and School District Select Committee through March 1, 2007 to hear measures concerning issues of mutual interest that affect the City and School District, its employees, its students, and the families of its students, including the issue of the public use of the School District facilities, and this Committee shall terminate two years from the date of the appointment of its members; now therefore be it

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby order that on Monday, March 14; Monday, May 9; Monday, July 11; Monday, September 12 and Monday, November 14, 2005 at 4:00 p.m. meetings of the City and School District Select Committee be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco at 4:00 p.m.; and be it,

FURTHER MOVED, That the Clerk of the Board of Supervisors is directed to prepare the necessary notices and postings pursuant to Charter Section 2.103.

Supervisor Ammiano
BOARD OF SUPERVISORS

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City and County of San Francisco

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Motion

File Number: 050209 **Date Passed:** February 15, 2005

Motion ordering the City and School District Select Committee meeting(s) of the Board of Supervisors be held at the Irving G. Breyer Board Meeting Room, Board of Education, 555 Franklin Street, First Floor, San Francisco, on March 14, May 9, July 11, September 12 and November 14, 2005 at 4:00 P.M.; and directing the Clerk of the Board to prepare the proper notices and postings.

February 15, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

File No. 050209

I hereby certify that the foregoing Motion was APPROVED on February 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050249 MOTION NO. M05-27

[Final Map for a 13 Unit Residential Condominium Project]

Motion approving Final Map of The Parkside 2418 20th Avenue, A Residential Condominium Project, being a subdivision of Lot 31A in Assessor's Block No. 2406, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of The Parkside 2418 20th Avenue, a Residential Condominium Project," being a subdivision of Lot 31A, Portion of Assessor's Block No. 2406, comprising 6 sheets, approved the 19th Day of January 2005 by Department of Public Works Order No. 175,188, be and the same is hereby approved and adopted as the Official Map of Map of The Parkside 2418 20th Avenue, a Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated October 26, 2001, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

DEPARTMENT OF PUBLIC WORKS
BOARD OF SUPERVISORS

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Motion

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File Number: 050249 **Date Passed:** February 15, 2005

Motion approving Final Map of The Parkside 2418 20th Avenue, A Residential Condominium Project, being a subdivision of Lot 31A in Assessor's Block No. 2406, and adopting findings pursuant to Planning Code Section 101.1.

February 15, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

File No. 050249

I hereby certify that the foregoing Motion was APPROVED on February 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050252 MOTION NO. M05-28

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

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Motion

City Hall
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File Number: 050252 **Date Passed:** February 22, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

February 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050252

I hereby certify that the foregoing Motion was APPROVED on February 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050112 MOTION NO. M05-29

[Affirming the categorical exemption issued for 3775 21st Street.]

Motion affirming the determination by the Planning Department that the 3775 21st Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that an addition to a single-family residential building at 3775 21st Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around January 10, 2005 (the "determination"). A copy of a variance decision by the Planning Department containing the determination is on file with the Clerk of the Board of Supervisors in File No. 050110, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated January 19, 2005, Stephen M. Williams filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around January 19, 2005; and,

WHEREAS, On March 1, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination; and,

WHEREAS, This Board has reviewed and considered the determination, the appeal letter, the responses to concerns document that the Planning Department prepared, and public testimony; and,

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

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MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt from environmental review.

BOARD OF SUPERVISORS

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City Hall
1 Dr. Carlton B. Goodlett Place
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City and County of San Francisco

Tails

Motion

File Number: 050112 **Date Passed:** March 1, 2005

Motion affirming the determination by the Planning Department that the 3775 21st Street project is categorically exempt from environmental review under the California Environmental Quality Act.

March 1, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - McGoldrick

File No. 050112

I hereby certify that the foregoing Motion was APPROVED on March 1, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050239 MOTION NO. M05 - 30

[Canceling March 8, 2005, Board meeting.]

Motion canceling March 8, 2005, meeting of the Board of Supervisors.

WHEREAS, There will not be a quorum of the Board of Supervisors available for the regularly scheduled meeting of the Board of Supervisors on March 8, 2005; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco cancels its March 8, 2005, meeting; and, be it

FURTHER MOVED, That the Board of Supervisors directs the Clerk of the Board to reschedule to the Board meeting of March 15, 2005, any items, including any special orders, that would have been scheduled for the March 8, 2005, Board meeting.

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City and County of San Francisco

Tails

Motion

File Number: 050239 **Date Passed:** March 1, 2005

Motion canceling March 8, 2005, meeting of the Board of Supervisors.

March 1, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050239

I hereby certify that the foregoing Motion was APPROVED on March 1, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050303 MOTION NO. M05-31

[Creating a Subcommittee of the Budget and Finance Committee.]

Motion amending the Rules of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby amends Rule 5.1 of the Rules of Order of the Board of Supervisors to read as follows:

5.1 Budget and Finance Committee. The Budget and Finance Committee shall be referred appropriation ordinances, and measures concerning bond issues, taxes, fees and other revenue measures, redevelopment, and real estate. The Budget and Finance Committee shall also be referred the annual appropriation and annual salary ordinances. The Budget and Finance Committee shall hold a public hearing on the Mayor's budget instructions to City Departments for each annual City budget after the instructions are released.

The Budget and Finance Committee shall be comprised of three *full-time* members except that beginning on March 1 of each year the Committee shall be comprised of five members and shall remain a Committee of five members until the Board of Supervisors adopts the annual appropriation and salary ordinances. Following the adoption of the annual appropriation and salary ordinances by the Board of Supervisors, the committee will be reduced to *the* three *full-time* members.

Beginning on March 1 of each year, and until the Board of Supervisors adopts the annual salary and appropriation ordinances, there shall be a subcommittee of the Budget and Finance Committee consisting of three members. Unless otherwise designated by the President, the members of

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the subcommittee shall be the full-time members of the Budget and Finance Committee. The subcommittee may consider any matters assigned to the Budget and Finance Committee except the annual appropriation and salary ordinances or the Mayor's budget instructions.

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City and County of San Francisco

Tails

Motion

File Number: 050303 **Date Passed:** March 1, 2005

Motion amending the Rules of the Board of Supervisors by amending Rule 5.1 to create a subcommittee of the Budget and Finance Committee.

March 1, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050303

I hereby certify that the foregoing Motion was APPROVED on March 1, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050321 MOTION NO. M05-32

[Board waiver of committee reference requirement and convening as a Committee of the Whole for purposes of considering an amendment to Board Rule 5.1, which would create a subcommittee of the Budget and Finance Committee.]

Motion suspending Rule 4.38 of the Rules of Order of the San Francisco Board of Supervisors to consider, without reference to committee, an amendment to Board Rule 5.1 which would create a subcommittee of the Budget and Finance Committee of the San Francisco Board of Supervisors; motion that the Board sit as a Committee of the Whole on March 1, 2005, for the purpose of considering the proposed amendment to Rule 5.1.

WHEREAS, A motion has been introduced to amend Rule 5.1 of the Rules of Order of the Board of Supervisors to create a subcommittee of the Budget and Finance Committee of the Board of Supervisors; and

WHEREAS, Rule 4.38 of the Rules of Order of the Board of Supervisors requires that all proposed amendments to the Rules of Order shall be referred to the Rules Committee for public hearing and recommendation; and,

WHEREAS, Rule 4.37 of the Rules of Order allows Rule 4.38 to be suspended by the affirmative vote of eight members of the Board, unless there are less than eight Board members present, in which case the unanimous consent of the members present, but not less than six members, shall be required; and,

WHEREAS, The members of the Board of Supervisors wish to suspend the operation of Rule 4.38 with regard to the consideration of the proposed amendment to Rule 5.1, now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco, as allowed by Rule 4.37 of its Rules of Order, hereby suspends the operation of Rule 4.38 of the

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Board's Rules of Order with regard to the Board's consideration of the proposed amendment to Rule 5.1; and, be it

FURTHER MOVED, That the Board of Supervisors of the City and County of San Francisco shall hereby convene as a committee of the whole on March 1, 2005, to accept public testimony concerning the possible amendment to Board Rule 5.1.

City and County of San Francisco

Tails

Motion

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File Number: 050321 **Date Passed:** March 1, 2005

Motion suspending Rule 4.38 of the Rules of Order of the San Francisco Board of Supervisors to consider, without reference to committee, an amendment to Board Rule 5.1 which would create a subcommittee of the Budget and Finance Committee of the San Francisco Board of Supervisors; motion that the Board sit as a Committee of the Whole on March 1, 2005, for the purpose of considering the proposed amendment to Rule 5.1.

March 1, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050321

I hereby certify that the foregoing Motion was APPROVED on March 1, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

AMENDMENT OF THE WHOLE - 3/2/05

FILE NO. 050179 MOTION NO. M05-33

[Extending the Joint City and School District Select Committee for two years.]

Motion amending Rule 5.7 of the Rules of Order of the Board of Supervisors to extend the Joint City and School District Select Committee through March 1, 2007.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

WHEREAS, Rule 5.7 of the Rules of Order of the Board of Supervisors established a joint City and School District Select Committee, but imposed a ~~remination~~ termination date on the existence of the Committee; and

WHEREAS, The Board of Supervisors wishes this Committee to continue to function for the benefit of the City and the School District for two additional years; now, therefore, be it

MOVED, That Rule 5.7 of the Rules of Order of the Board of Supervisors of the City and County of San Francisco is hereby ~~ameded~~ amended to read as follows:

"5.7. Joint City and School District Select Committee. The Joint City and School District Select Committee shall be referred measures concerning issues of mutual interest that affect the City and the School District, its employees, its students, and the families of its students, including the issue of the public use of School District facilities, and shall terminate ~~*one year from the date of the appointment of its members*~~ *on, or before, March 1, 2007*. "

Supervisor Maxwell, Ma, Ammiano, Peskin
BOARD OF SUPERVISORS

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Motion

File Number: 050179 **Date Passed:** March 15, 2005

Motion amending Rule 5.7 of the Rules of Order of the Board of Supervisors to extend the Joint City and School District Select Committee through March 1, 2007.

March 15, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050179

I hereby certify that the foregoing Motion was APPROVED on March 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050318 MOTION NO. M05-34

[Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for the term ending January 15, 2009.

WHEREAS, Pursuant to Charter Section 3.100, the Mayor has submitted a communication notifying the Board of Supervisors of the appointment of Ann Moller Caen to the Public Utilities Commission, received by the Clerk of the Board on February 18, 2005; and

WHEREAS, Under Charter Section 3.100, the Board of Supervisors has the authority to reject the appointment by a two-thirds vote (eight votes) within thirty days following transmittal of the Mayor's Notice of Appointment, and the failure of the Board to reject the appointment by two-thirds vote within the thirty day time period shall result in the appointee continuing to serve as appointed; and

WHEREAS, The Board of Supervisors, by Motion 01-34, established a process to review the Mayor's appointment to the Public Utilities Commission; now, therefore, be it

MOVED, That the Board of Supervisors hereby approves the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for the term ending January 15, 2009.

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Mayor
Clerk of the Board of Supervisors
BOARD OF SUPERVISORS

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City and County of San Francisco

Tails

Motion

File Number: 050318 **Date Passed:** March 15, 2005

Motion approving the Mayor's appointment of Ann Moller Caen to the Public Utilities Commission, for the term ending January 15, 2009.

March 15, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050318

I hereby certify that the foregoing Motion was APPROVED on March 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050325 MOTION NO. M05-35

[Final Map for a 19 Unit Live Work Condominium Project]

Motion approving Final Map of 1050 17th Street, A Live Work Condominium Project, being a subdivision of Lot 2A in Assessor's Block No. 3948, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 1050 17th Street, a Live Work Condominium Project," being a subdivision of Lot 2A, Portion of Assessor's Block No. 3948, comprising 9 sheets, approved the 2nd Day of February 2005 by Department of Public Works Order No. 175,212, be and the same is hereby approved and adopted as the Official Map of 1050 17th Street, a Live Work Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated April 25, 2001, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

DEPARTMENT OF PUBLIC WORKS
BOARD OF SUPERVISORS

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Motion

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File Number: 050325 **Date Passed:** March 15, 2005

Motion approving Final Map of 1050 17th Street, A Live Work Condominium Project, being a subdivision of Lot 2A in Assessor's Block No. 3948, and adopting findings pursuant to Planning Code Section 101.1.

March 15, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050325

I hereby certify that the foregoing Motion was APPROVED on March 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050326 MOTION NO. M05-36

[Final Map for a 5 Unit Residential Condominium Project]

Motion approving Final Map of 362-362A-364-364A-366 Sanchez Street, A Residential Condominium Project, being a subdivision of Lot 14 in Assessor's Block No. 3564, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 362-362A-364-364A-366 Sanchez Street, a Residential Condominium Project," being a subdivision of Lot 14, Portion of Assessor's Block No. 3564, comprising 4 sheets, approved the 16th Day of February 2005 by Department of Public Works Order No. 175,233, be and the same is hereby approved and adopted as the Official Map of 362-362A-364-364A-366 Sanchez Street, a Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated January 15, 2004, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Motion

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File Number: 050326 **Date Passed:** March 15, 2005

Motion approving Final Map of 362-362A-364-364A-366 Sanchez Street, A Residential Condominium Project, being a subdivision of Lot 14 in Assessor's Block No. 3564, and adopting findings pursuant to Planning Code Section 101.1.

March 15, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050326

I hereby certify that the foregoing Motion was APPROVED on March 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050331 MOTION NO. M05-37

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
BOARD OF SUPERVISORS

City and County of San Francisco

Tails

Motion

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File Number: 050331 **Date Passed:** March 15, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

March 15, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050331

I hereby certify that the foregoing Motion was APPROVED on March 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050366 MOTION NO. M05-38

[Affirm adoption of the negative declaration for 787 (aka 785) Brannan Street]

Motion affirming Planning Commission adoption of the final negative declaration for 787 (aka 785) Brannan Street.

WHEREAS, On November 13, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 787 (aka 785) Brannan Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On February 3, 2005, following a noticed public hearing, the Planning Commission by motion adopted a Final Mitigated Negative Declaration for 787 (aka 785) Brannan Street ("negative declaration") in accordance with Administrative Code Section 31.11(h). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 050365 and is incorporated by reference herein; and

WHEREAS, On February 23, 2005, the Clerk of the Board received an appeal of the negative declaration from Gerrie Scott on behalf of Citizens for a Cleaner, Safer SOMA ("Appellant"); and

WHEREAS, This Board of Supervisor's held a duly noticed public hearing on March 29, 2005, to consider the negative declaration appeal filed by Appellant; and

WHEREAS, This Board has reviewed and considered the negative declaration and heard testimony, the appeal letter, a responses to concerns document prepared by the Planning Department and received public comment regarding the adequacy of this document; and

WHEREAS, The negative declaration files and all correspondence and other documents have been made available for review by this Board and the public. These files are

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available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; and

WHEREAS, Since the Planning Commission adoption of the negative declaration, there is no new information of significance that would require a substantial revision to the negative declaration and necessitate recirculation of said document pursuant to CEQA Guideline Section 15073.5; now, therefore, be it

MOVED, That this Board of Supervisors finds that the contents of the negative declaration and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Pub. Res. Code sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code Regs. Title 14, sections 15000 et seq., ("CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and, be it

FURTHER MOVED, That based on substantial evidence in light of the whole record, this Board of Supervisors finds the negative declaration reflects its independent judgment and analysis and is adequate, accurate, and objective, and hereby affirms the decision of the Planning Commission to adopt the negative declaration in compliance with CEQA, the State CEQA Guidelines, and Chapter 31.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
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File Number: 050366 **Date Passed:** March 29, 2005

Motion affirming Planning Commission adoption of the final negative declaration for 787 (aka 785) Brannan Street.

March 29, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Alioto-Pier, Ammiano, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Dufty
Excused: 2 - Daly, Sandoval

File No. 050366

I hereby certify that the foregoing Motion was APPROVED on March 29, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050510 MOTION NO. M05-39

[Committee of the Whole.]

Motion for the Board of Supervisors to convene as a committee of the whole on March 29, 2005, at 5:00 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance approving an interim zoning moratorium throughout the City for 45 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

WHEREAS, In November of 2002, the City's voters passed Proposition S, a declaration of policy directing the City to "explore the possibility of establishing a program whereby the City would grow medical cannabis and distribute it to patients attempting to exercise their rights under Proposition 215."

WHEREAS, Since the passage of Proposition S, the City has witnessed a dramatic increase of unregulated medical cannabis dispensaries.

WHEREAS, In 2002 there were approximately 2,200 individuals registered with the Department of Public Health's Medical Cannabis Voluntary Identification Card Program and there are now over 7,000 individuals enrolled.

WHEREAS, As of March 2005, there are approximately 35 medical cannabis dispensaries in operation in the City, with approximately another 10 clubs scheduled to open later this year.

WHEREAS, The proliferation of medical cannabis dispensaries has had attendant health, safety and welfare consequences that were not anticipated at the time that zoning

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determinations were made permitting medical cannabis dispensaries to operate subject to a conditional use permit in some areas of the City, and as of right in others.

WHEREAS, There are currently no comprehensive City laws regulating or monitoring medical cannabis dispensaries.

WHEREAS, The healthy coexistence of medical cannabis dispensaries and surrounding neighborhoods is in the best interest of residents of the City.

WHEREAS, A moratorium will provide the City the time to draft and adopt laws, consistent with the Compassionate Use Act of 1996 and SB 420, that will regulate the location and operation of medical cannabis dispensaries, while still allowing for the operation of legally existing medical cannabis dispensaries to guarantee that patients, their caregivers and physicians have access medical cannabis; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco shall hereby convene as a committee of the whole on March 29, 2005, to accept public testimony concerning the possible adoption of an urgency ordinance approving an interim zoning moratorium throughout the City for 45 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation.

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1 Dr. Carlton B. Goodlett Place
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City and County of San Francisco

Tails

Motion

File Number: 050510 **Date Passed:** March 29, 2005

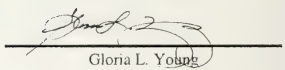
Motion for the Board of Supervisors to convene as a committee of the whole on March 29, 2005, at 5:00 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance approving an interim zoning moratorium throughout the City for 45 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

March 29, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

File No. 050510

I hereby certify that the foregoing Motion was APPROVED on March 29, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 050538 MOTION NO. M05-40

[Supporting the Youth Commission's leadership and participation in the Department of Children, Youth, and Families' 3% Youth Initiated Projects Initiative.]

Motion supporting the Youth Commission's leadership and participation in the Department of Children, Youth, and Families' 3% Youth Initiated Projects Initiative

WHEREAS, In November 2000, San Francisco voters approved the Children's Amendment (Proposition D) which reauthorized the Children's Fund until 2016; and,

WHEREAS, As a part of the Amendment, the Department of Children, Youth, and Families (DCYF) must develop and maintain a three-year Children's Services Allocation Plan outlining how the Children's Fund will be invested; and,

WHEREAS, The Amendment also requires that a minimum of 3% of the funding allocated under the Plan shall be for youth-initiated projects; and,

WHEREAS, DCYF is about to issue a Request For Proposal (RFP) for this initiative; and,

WHEREAS, DCYF is committed to ensuring that youth voice is incorporated at every stage of the initiative and has proposed to partner with the Youth Commission to distribute the 2005-2006 cycle of the 3% funds through three broad strategies: Youth Led Philanthropy, Youth Led Organizing and Advocacy, and capacity building for all projects; and.

WHEREAS, On March 21, 2005, the Youth Commission unanimously approved its participation in the 3% Youth Initiated Projects Initiative; and

WHEREAS, Through an interdepartmental work order, DCYF will provide the Youth Commission with funds to achieve the following tasks: Provide support, technical assistance and training to all Youth Organizing and Advocacy grantees; Advise DCYF on obtaining outside expertise to support all grantees of the 3% fund; Work with 3% Project Manager to

Supervisor Aaron Peskin
Board of Supervisors

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provide staff support, facilitation, and training to the 3% Board; and Work with 3% Project Manager to organize on-going trainings for all young people involved with the 3% fund; now, therefore, be it

MOVED, That the Board of Supervisors supports the Youth Commission's leadership and participation in the Department of Children, Youth and Families' 3% Youth Initiated Projects Initiative.

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City and County of San Francisco

Tails

Motion

File Number: 050538 **Date Passed:** March 29, 2005

Motion supporting the Youth Commission's leadership and participation in the Department of Children, Youth, and Families' 3% Youth Initiated Projects Initiative.

March 29, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 2 - Daly, Sandoval

File No. 050538

I hereby certify that the foregoing Motion was APPROVED on March 29, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050475 MOTION NO. M05-41

[Rescheduling the April 5, 2005 Board meeting to 10:00 am.]

Motion rescheduling the April 5, 2005 regular meeting of the Board of Supervisors to begin at 10:00 am in the Board Chamber in City Hall on that day.

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby reschedules its regular Board meeting scheduled for April 5, 2005, to begin at 10:00 am in the Board Chamber in City Hall on that day.

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Tails

Motion

File Number: 050475 **Date Passed:** March 22, 2005

Motion rescheduling the April 5, 2005 regular meeting of the Board of Supervisors to begin at 10:00 a.m. in the Board Chamber in City Hall on that day.

March 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050475

I hereby certify that the foregoing Motion was APPROVED on March 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050316 MOTION NO. M05-42

[Appointment - Board of Appeals]

Motion approving the Mayor's appointment of Michael Garcia to the Board of Appeals for the term ending July 1, 2006.

WHEREAS, Pursuant to Charter Section 4.106, the Mayor has submitted a communication notifying the Board of Supervisors of the nomination of Michael Garcia to the Board of Appeals, received by the Clerk of the Board on February 18, 2005; and

WHEREAS, The Board of Supervisors, by Motion 02-80 established a process to review the Mayor's nomination to the Board of Appeals; now, therefore, be it

MOVED, That the Board of Supervisors hereby approves the Mayor's appointment of Michael Garcia to the Board of Appeals term July 1, 2006.

Clerk of the Board of Supervisors
BOARD OF SUPERVISORS

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City and County of San Francisco

Tails

Motion

File Number: 050316 **Date Passed:** March 22, 2005

Motion approving the Mayor's appointment of Michael Garcia to the Board of Appeals for the term ending July 1, 2006.

March 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050316

I hereby certify that the foregoing Motion was APPROVED on March 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050275 MOTION NO. M05-43

[Affirming the categorical exemption issued for 981 Washington Street.]

Motion affirming the determination by the Planning Department that the 981 Washington Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that the 4,600 square foot expansion of the rear of a structure at 981 Washington Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on November 8, 2004 (the "determination"). A copy of this document is on file with the Clerk of the Board of Supervisors in File No. 050274, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated February 15, 2005, Anne and Dennis Leong filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around February 16, 2005; and,

WHEREAS, On March 22, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination; and,

WHEREAS, This Board has reviewed and considered the determination, the appeal letter, the responses to concerns document that the Planning Department prepared, and public testimony; and,

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt from environmental review.

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Motion

File Number: 050275 **Date Passed:** March 22, 2005

Motion affirming the determination by the Planning Department that the 981 Washington Street project is categorically exempt from environmental review under the California Environmental Quality Act.

March 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050275

I hereby certify that the foregoing Motion was APPROVED on March 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050422 MOTION NO. M05-44

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

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Motion

File Number: 050422 **Date Passed:** March 22, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

March 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050422

I hereby certify that the foregoing Motion was APPROVED on March 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050424 MOTION NO. M05-45

[Extending Time for Labor Negotiations to June 30, 2005]

Motion extending time for labor negotiations to June 30, 2005, pursuant to Charter Section 11.100.

WHEREAS, The City and most of its labor unions have existing collective bargaining agreements that are effective through June 30, 2005;

WHEREAS, The City has and will be meeting and conferring with labor organizations over successor collective bargaining agreements for fiscal year 2005-2006 in accordance with Charter Section A8.409; and

WHEREAS, In order to be included in the budget to take effect July 1, 2005 an agreement or arbitration award must be approved and implemented by ordinance within the timelines set forth in Charter Section A8.409-4, as may be extended by Charter Section 11.100; and

WHEREAS, The Board of Supervisors previously clarified such deadlines in Resolution No. 91-97; and

WHEREAS, Under Charter Section A8.409-4 the Human Resources Director has requested that the Board of Supervisors take action pursuant to Charter Section 11.100 to extend by thirty days the date for final adoption of ordinances approving and implementing successor collective bargaining agreements; now therefore, be it

MOVED, That the date for final adoption of ordinances approving and implementing successor collective bargaining agreements to be effective July 1, 2005 is hereby extended by thirty days. For unions and unrepresented employees in negotiations for which impasse has not been declared, the date for final adoption of ordinances approving and implementing successor collective bargaining agreements to be effective July 1, 2005 is April 26, 2005.

Supervisor Sean Elsbernd
BOARD OF SUPERVISORS

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Such proposed collective bargaining agreements must be submitted to the Clerk of the Board on or about March 28, 2005 in a form that will allow for complete review and costing in time for final adoption by April 26, 2005; and be it

FURTHER MOVED, That Arbitration panel awards and mediated settlements issued pursuant to Charter Section A8.409-4 should be submitted to the Clerk of the Board in a form that will allow for complete review and costing in time for final adoption by June 30, 2005.

City and County of San Francisco

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Motion

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File Number: 050424 **Date Passed:** March 22, 2005

Motion extending time for labor negotiations to June 30, 2005, pursuant to Charter Section 11.100.

March 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050424

I hereby certify that the foregoing Motion was APPROVED on March 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050428 MOTION NO. M05-46

[Emergency Disadvataged Business Enterprise Program – March 29, 2005, Committee of the Whole.]

Motion for the Board of Supervisors to convene as a committee of the whole on March 29, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

WHEREAS, A recent San Francisco Superior Court decision has resulted in the need for the City and County of San Francisco to consider immediately how best to implement a revised public contracting program to assist disadvantaged businesses conducting business with the City and County; and,

WHEREAS, The Board adopted by emergency ordinance an interim Disadvantaged Business Enterprise Program ("DBE"); and,

WHEREAS, The Board wishes to consider emergency legislation to reenact this DBE program in order to address the immediate need to avoid confusion and delay in public contracting, and March 29, 2005, is the next available meeting for Board consideration of this issue; and,

WHEREAS, Public testimony will be required before the Board may take any action on any proposed ordinances that would address this issue; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco shall hereby convene as a committee of the whole on March 29, 2005, to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program.

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Motion

File Number: 050428 **Date Passed:** March 22, 2005

Motion for the Board of Supervisors to convene as a committee of the whole on March 29, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

March 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050428

I hereby certify that the foregoing Motion was APPROVED on March 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050546 MOTION NO. M05-47

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

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File Number: 050546 **Date Passed:** April 5, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

April 5, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

File No. 050546

I hereby certify that the foregoing Motion was APPROVED on April 5, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050377 MOTION NO. M05-48

[Findings]

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75, at 4005 Mission Street.

MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to use project at 4005 Mission Street; Lot 75, in Assessor's Block No. 5835 for consideration by the Board at its next meeting.

Clerk of the Board
BOARD OF SUPERVISORS

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File Number: 050377 **Date Passed:** April 5, 2005

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75 at 4005 Mission Street.

March 22, 2005 Board of Supervisors — CONTINUED

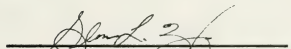
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

April 5, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050377

I hereby certify that the foregoing Motion was APPROVED on April 5, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

As Amended in Board 4/5/05

FILE NO. 050376 MOTION NO. M05-49

[Tentative Subdivision Map – 4005 Mission Street.]

Motion disapproving decision of the Director of Public Works, which approved a Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75, at 4005 Mission Street, and approving the requested Tentative Subdivision Map with an additional condition, requiring the final map to contain a written condition requiring the installation and maintenance on the project site of trees that will reach at least 30 feet in height.

MOVED, That the decision of the Department of Public Works, dated April 5, 2005, affirming approval of a Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project, described as follows:

4005 Mission Street; Lot 75, in Assessor's Block No. 5835,

be and the same is disapproved.

FURTHER MOVED, That the Board of Supervisors hereby approves a Tentative Subdivision Map to legalize the construction of a 3-unit new condominium project, described as follows:

4005 Mission Street; Lot 75, in Assessor's Block No. 5835,

with the following additional condition being imposed:

The final map shall contain a written condition requiring the installation and maintenance on the project site of trees that will reach at least 30 feet in height.

Clerk of the Board of Supervisors
BOARD OF SUPERVISORS

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File Number: 050376 **Date Passed:** April 5, 2005

Motion disapproving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 3 unit new condominium project in Assessor's Block 5835, Lot 75, at 4005 Mission Street.

March 22, 2005 Board of Supervisors — CONTINUED

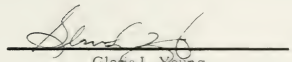
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

April 5, 2005 Board of Supervisors — APPROVED AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050376

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on April 5, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 050486 MOTION NO. M05-50

[Affirming the categorical exemption issued for 4005 Mission Street.]

Motion affirming the determination by the Planning Department that the 4005 Mission Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, On November 24, 2004, the Planning Department determined that a 3-unit new condominium subdivision at 4005 Mission Street (the "Project") was categorically exempt from the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (the "determination"). A copy of a letter relating to the Planning Department's finding of General Plan consistency contains this determination, is on file with the Clerk of the Board of Supervisors in File No. 050374, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated February 25, 2005, Otto Wiegard filed an appeal of the Project to the Board of Supervisors; and,

WHEREAS, On March 22, 2005, this Board held a duly noticed public hearing to consider the determination. This Board also has reviewed and considered the determination, the appeal letter, and public testimony; and,

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt from environmental review.

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Motion

File Number: 050486 **Date Passed:** April 5, 2005

Motion affirming the determination by the Planning Department that the 4005 Mission Street project is categorically exempt from environmental review under the California Environmental Quality Act.

March 22, 2005 Board of Supervisors — CONTINUED

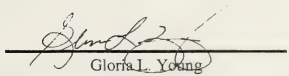
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

April 5, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050486

I hereby certify that the foregoing Motion was APPROVED on April 5, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 050436 MOTION NO. M05-51

[Clerk of the Board to file inactive Charter Amendments.]

Motion amending Rule 5.37 of the Rules of Order of the Board to require the Clerk of the Board to file proposed Charter Amendments that have not been submitted to the voters by the Board for the next election.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

MOVED, That the Board of Supervisors of the City and County of San Francisco amends Rule 5.37 of the Rules of Order of the Board, to read as follows:

5.37 Filing Inactive Matters After Six Months; *Filing Proposed Charter Amendments Not Placed On The Ballot.* If a measure (other than a Charter amendment) or a hearing request referred to committee has not been heard by the committee for any five consecutive calendar months, the Clerk of the Board shall note on the next committee pending list that unless the item is heard the following month it is deemed to be inactive and shall be filed by the Clerk of the Board, who shall make *an* appropriate note on the legislative history record of such filing. *San Francisco Elections Code, Section 300, provides that proposed Charter amendments the Board wishes to submit to the voters may be submitted for the next election held no fewer than 102 days after the date of submission, and allows the Director of Elections to accept from the Board one proposed Charter amendment a week later, but no fewer than 95 days before the date of an election. On the 94th day prior to each City and County election, the Clerk of the Board shall file all pending proposed Charter amendments that have not been submitted to the voters by the Board for that election.*

Supervisor Alioto-Pier
BOARD OF SUPERVISORS

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File Number: 050436 **Date Passed:** April 5, 2005

Motion amending Rule 5.37 of the Rules of Order of the Board to require the Clerk of the Board to file proposed Charter Amendments that have not been submitted to the voters by the Board for the next election.

April 5, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050436

I hereby certify that the foregoing Motion was APPROVED on April 5, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050565 MOTION NO. M05-52

[Final Map for a 102 Unit Residential Condominium Project]

Motion approving Final Map of Museum Tower Residences Condominium Map, A Residential Condominium Project, being a subdivision of Lot 82 in Assessor's Block No. 3722, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of Museum Tower Residences Condominium Map, A Residential Condominium Project," being a subdivision of Lot 82, Portion of Assessor's Block No. 3722, comprising 13 sheets, approved the 16th Day of March 2005, by Department of Public Works Order No. 175,292, be and the same is hereby approved and adopted as the Official Map of Museum Tower Residences Condominium Map, A Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated March 9, 2004, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That the Redevelopment Agency in its letter dated February 13, 2004, stated the project is in conformance with the Yerba Buena Redevelopment Plan.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

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RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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City and County of San Francisco

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Motion

File Number: 050565 **Date Passed:** April 12, 2005

Motion approving Final Map of Museum Tower Residences Condominium Map, A Residential Condominium Project, being a subdivision of Lot 82 in Assessor's Block No. 3722, and adopting findings pursuant to Planning Code Section 101.1.

April 12, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050565

I hereby certify that the foregoing Motion was APPROVED on April 12, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050615 MOTION NO. M05-53

[Transbay Redevelopment Plan – May 10 Committee of the Whole.]

Motion for the Board of Supervisors to convene as a committee of the whole on May 10, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of the Transbay Redevelopment Plan, and related documents and agreements.

WHEREAS, The Board heard and took testimony on March 29, 2005 concerning the Transbay Redevelopment Plan; and,

WHEREAS, The Board on April 5, 2005 moved by unanimous vote to ask the Redevelopment Agency to consider additional information and make certain changes to the Transbay Redevelopment Plan; and,

WHEREAS, The Board voted to consider on May 10, 2005, any amendments to the Transbay Redevelopment Plan and/or the related documents and agreements supporting the Plan; and

WHEREAS, Public testimony will be required before the Board may take any action on any amendments to the Transbay Redevelopment Plan; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco shall hereby convene as a committee of the whole on May 10, 2005 to accept public testimony concerning the possible adoption of the Transbay Redevelopment Plan.

Supervisor Peskin
BOARD OF SUPERVISORS

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Motion

File Number: 050615 **Date Passed:** April 12, 2005

Motion for the Board of Supervisors to convene as a committee of the whole on May 10, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of the Transbay Redevelopment Plan, and related documents and agreements.

April 12, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050615

I hereby certify that the foregoing Motion was APPROVED on April 12, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050290 MOTION NO. M05-54

[Preparation of findings related to the timeliness of the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes Street.]

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes Street.

WHEREAS, On October 16, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On November 29, 2004, having received no appeal of the preliminary mitigated negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street ("mitigated negative declaration") in accordance with Administrative Code Section 31.11(h). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 050287 and is incorporated by reference herein; and

WHEREAS, On February 16, 2004, the Clerk of the Board received an appeal of the mitigated negative declaration from Arthur D. Levy on behalf of the Central City Progressives ("Appellant"); and

WHEREAS, The California Public Resources Code Section 21151(c) was amended effective January 1, 2003, to provide that negative declarations are appealable to the elected decision-making body, but the Board of Supervisors has not yet adopted specific procedures or time lines providing for appeals of such negative declarations; and

WHEREAS, The Board of Supervisor's held a duly noticed public hearing on March 15, 2005, to consider whether the appeal filed by Appellant was timely. Following the conclusion

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of the public hearing the Board rendered a decision on the timeliness of the mitigated negative declaration appeal based on the written record before the Board in File No. 050287, which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the hearing of the appeal; and

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now therefore, be it

MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the timeliness of the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes Street.

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City and County of San Francisco

Tails

Motion

File Number: 050290 **Date Passed:** April 19, 2005

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the mitigated negative declaration appeal for 606-624 Divisadero Street/1278 Hayes Street.

March 15, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

April 12, 2005 Board of Supervisors — CONTINUED

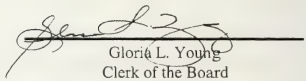
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

April 19, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - McGoldrick
Excused: 1 - Alioto-Pier

File No. 050290

I hereby certify that the foregoing Motion was APPROVED on April 19, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 050482 MOTION NO. M05-55

[Affirming the general rule exclusion issued for the Bicycle Plan: Policy Framework.]

Motion affirming the determination by the Planning Department that the San Francisco Bicycle Plan: Policy Framework is exempt from environmental review under the California Environmental Quality Act.

WHEREAS, On January 11, 2005, the Planning Department determined that the San Francisco Bicycle Plan: Policy Framework (the "Project") was exempt from the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. as a general rule exclusion (the "determination"). A copy of a letter relating to the Planning Department's finding is on file with the Clerk of the Board of Supervisors in File No. 050481, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated March 15, 2005, Mary Miles filed an appeal of the Project to the Board of Supervisors; and,

WHEREAS, On April 19, 2005, this Board held a duly noticed public hearing to consider the determination. This Board also has reviewed and considered the determination the appeal letter, and public testimony; and,

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt from environmental review.

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Tails

Motion

File Number: 050482 **Date Passed:** April 19, 2005

Motion affirming the determination by the Planning Department that the San Francisco Bicycle Plan: Policy Framework is exempt from environmental review under the California Environmental Quality Act.

April 19, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

File No. 050482

I hereby certify that the foregoing Motion was APPROVED on April 19, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050627 MOTION NO. M05-56

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

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Tails

Motion

File Number: 050627 **Date Passed:** April 19, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

April 19, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

File No. 050627

I hereby certify that the foregoing Motion was APPROVED on April 19, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050628 MOTION NO. M05-57

[Extending Time for Negotiations]

Motion extending time for negotiations pursuant to Charter Section 11.100.

WHEREAS, In accordance with the San Francisco charter, the Mayor through the Employee Relations Division and in consultation with the Board of Supervisors is in the process of meeting and conferring with Teamsters, Local 856 for the Supervising Nurses Bargaining Unit and with Service Employees International Union Local 790 for Staff Nurses and Per Diem Nurses regarding negotiable terms and conditions of employment for represented employees to be effective July 1, 2005; and

WHEREAS, The meet and confer process has not yet been completed,

NOW, THEREFORE, BE IT MOVED, That pursuant to Charter section 11.100, the Board of Supervisors hereby extends by thirty days the date set forth in Charter section A8.403, for final adoption of ordinances approving salary, benefits and/or working conditions for the Supervising Nurses Bargaining Unit represented by Teamsters Local 856 and for the Staff Nurses and Per Diem Nurses represented by Service Employees International Union Local 790. The date as extended for final passage shall be June 30, 2005.

Supervisor Sean Elsbernd
BOARD OF SUPERVISORS

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File Number: 050628 **Date Passed:** April 19, 2005

Motion extending time for negotiations pursuant to Charter Section 11.100

April 19, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

File No. 050628

I hereby certify that the foregoing Motion was APPROVED on April 19, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050288 MOTION NO. M05-58

[Finding mitigated negative declaration appeal of 606-624 DivisaderoStreet/1278 Hayes Street timely.]

Motion finding the appeal of the mitigated negative declaration issued on November 29, 2004, for 606-624 Divisadero Street/1278 Hayes Street timely filed.

WHEREAS, On October 16, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On November 29, 2004, having received no appeal of the preliminary mitigated negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 606-624 Divisadero Street/1278 Hayes Street ("mitigated negative declaration") in accordance with Administrative Code Section 31.11(h). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 050287 and is incorporated by reference herein; and

WHEREAS, On February 16, 2004, the Clerk of the Board received an appeal of the mitigated negative declaration from Arthur D. Levy on behalf of the Central City Progressives ("Appellant"); and

WHEREAS, The California Public Resources Code Section 21151(c) was amended effective January 1, 2003, to provide that negative declarations are appealable to the elected decision-making body, but the Board of Supervisors has not yet adopted specific procedures or time lines providing for appeals of such negative declarations; and

WHEREAS, The Board of Supervisor's held a duly noticed public hearing on March 15, 2005, to consider whether the appeal filed by Appellant was timely; and

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WHEREAS, This Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the question of whether the appeal was timely; now, therefore, be it

MOVED, This Board hereby finds that the appeal is timely filed.

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City and County of San Francisco

Tails

Motion

File Number: 050288 **Date Passed:** April 19, 2005

Motion finding the appeal of the mitigated negative declaration issued on November 29, 2004, for 606-624 Divisadero Street/1278 Hayes Street timely filed.

March 15, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

April 12, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

April 19, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - McGoldrick
Excused: 1 - Alioto-Pier

File No. 050288

I hereby certify that the foregoing Motion was APPROVED on April 19, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

[Adopting findings related to the tentative parcel map appeal on property located at 4005 Mission Street.]

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving a tentative parcel map to authorize a 3-unit condominium subdivision at 4005 Mission Street (Assessor's Block 5835, Lot 75).

WHEREAS, On November 24, 2004, the Planning Department determined that a 3-unit new residential condominium subdivision at 4005 Mission Street (the "Project") was categorically exempt from the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (the "determination"). A copy of a letter relating to a finding of General Plan consistency by the Planning Department contains this determination, is on file with the Clerk of the Board of Supervisors in File No. 050374, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated February 25, 2005, Otto Wiegard filed an appeal of the Project's subdivision to the Board of Supervisors; and,

WHEREAS, On April 5, 2005, this Board held a duly noticed public hearing to consider the determination. At said hearing the Board heard testimony and received written correspondence in support of and opposed to the appeal. Following the conclusion of the public hearing, the Board rendered a decision to affirm use of the Planning Department's determination for this Project based on the public testimony and record before the Board in File No. 050486, which is hereby declared to be a part of this motion as if set forth fully herein; and,

WHEREAS, At said hearing, the Board also disapproved the decision of the Department of Public Works but conditionally approved the tentative parcel map to authorize a

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3-unit condominium at 4005 Mission Street (Assessor's Block 5835, Lot 75). A copy of said decision is on file with the Clerk of the Board in File No. 050376; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Department of Public Works, the Department of City Planning, and the Department of Building Inspection in their review and approval of the proposed tentative parcel map. However, the Board does find that the addition of two conditions on the tentative parcel map are necessary to bring said map into conformity with the General Plan and Planning Code Section 101.1. In particular, the Board finds that Urban Design Element Objective 2 (Conservation Richness of Past Development), Policy 6; Objective 4 (Neighborhood Environment), Policy 15; and Housing Element Objective 2 (Housing Density), Policy 1; and Section 101.1(b)(2), a priority policy regarding conservation and protection of existing neighborhood character would be better promoted with the imposition of the map conditions forth below. With the inclusion of said conditions the tentative parcel map, on balance, is consistent with the General Plan and the priority policies of Planning Code Section 101.1(b), based on the findings contained in the record and set forth herein; and, be it

FURTHER MOVED, The Board finds that even with the addition of said conditions there have been no substantial project changes, no substantial changes in project circumstances, and no new information of substantial importance that would change the conclusions reached in the environmental determination set forth above; and, be it,

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, approves the tentative parcel map for a 3-unit condominium at 4005 Mission (Assessor's Block 5835, Lot 75), subject to all of the conditions imposed by the reviewing City Departments and the following additional conditions:

1) Prior to City approval of the final parcel map, Subdivider shall replace or supplement each existing on-site tree in the rear yard with a fast growing tree that will reach at least 30 feet in height. Such replacement trees shall be of a species approved by a City arborist; and

2) The final parcel map shall include a note on the face of the map that the declaration of covenants, conditions, and restrictions (CC&Rs) for the subdivision or similar recorded instrument shall contain adequate provisions to ensure proper maintenance of said four trees at a height of at least 30 feet, and further to ensure the replacement of said trees should they die or be severely damage prior to January 1, 2016.

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File Number: 050579 **Date Passed:** April 26, 2005

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving a tentative parcel map to authorize a 3-unit condominium subdivision at 4005 Mission Street (Assessor's Block 5835, Lot 75).

April 14, 2005 Board of Supervisors — REFERRED: Board of Supervisors

April 26, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

April 26, 2005 Board of Supervisors — APPROVED AS AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

File No. 050579

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on April 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050383 MOTION NO. M05-60

[Preparation of findings related to the categorical exemption issued for 1 La Avanzada Street (aka 250 Palo Alto Avenue).]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1 La Avanzada Street (aka 250 Palo Alto Avenue) project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that the installation of a radio antennae, emergency generator and diesel fuel tank and 4 satellite dishes on Sutro Tower ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around February 10, 2005 (the "determination"). A copy of the certificate of determination of exemption/exclusion from environmental review issued by the Planning Department is on file with the Clerk of the Board of Supervisors in File No. 050380, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated February 28, 2005, SiuLing Chen, on behalf of Midtown Terrace Homeowners Association, and Doris Linnenbach, on behalf of Twin Peaks Improvement Association, filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around February 28, 2005; and,

WHEREAS, On April 12, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination. Following the conclusion of the public hearing, the Board rendered a decision on the use of an exemption for this Project based on the written record before the Board in File No. 050380, which is hereby declared to be a part of this

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motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeal; and,

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now, therefore, be it

MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the use of an exemption for the Project at 1 La Avanzada Street (aka 250 Palo Alto Avenue).

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City and County of San Francisco

Tails

Motion

File Number: 050383 **Date Passed:** April 26, 2005

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1 La Avanzada Street (aka 250 Palo Alto Avenue) project is categorically exempt from environmental review under the California Environmental Quality Act.

April 12, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

April 26, 2005 Board of Supervisors — APPROVED

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Mirkarimi
Absent: 1 - McGoldrick

File No. 050383

I hereby certify that the foregoing Motion was APPROVED on April 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050381 MOTION NO. M05-61

[Affirming the categorical exemption issued for 1 La Avanzada Street (aka 250 Palo Alto Avenue).]

Motion affirming the determination by the Planning Department that the 1 La Avanzada Street (aka 250 Palo Alto Avenue) project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that the installation of a radio antennae, emergency generator and diesel fuel tank and 4 satellite dishes on Sutro Tower ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around February 10, 2005 (the "determination"). A copy of the certificate of determination of exemption/exclusion from environmental review issued by the Planning Department is on file with the Clerk of the Board of Supervisors in File No. 050380, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated February 28, 2005, SiuLing Chen, on behalf of Midtown Terrace Homeowners Association, and Doris Linnenbach, on behalf of Twin Peaks Improvement Association, filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around February 28, 2005; and,

WHEREAS, On April 12, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination; and,

WHEREAS, This Board has reviewed and considered the determination, the appeal letter, the responses to concerns document that the Planning Department prepared, and public testimony; and,

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WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt from environmental review.

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City and County of San Francisco

Tails

Motion

File Number: 050381 **Date Passed:** April 26, 2005

Motion affirming the determination by the Planning Department that the 1 La Avanzada Street (aka 250 Palo Alto Avenue) project is categorically exempt from environmental review under the California Environmental Quality Act.

April 12, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

April 26, 2005 Board of Supervisors — APPROVED

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Mirkarimi
Absent: 1 - McGoldrick

File No. 050381

I hereby certify that the foregoing Motion was APPROVED on April 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050668 MOTION NO. M05-62

[Adopting findings related to the determination that the appeal of the negative declaration for the 606-624 Divisadero Street project was timely.]

Motion adopting findings related to the determination that the appeal of the negative declaration for the 606-624 Divisadero Street project was timely filed.

On October 16, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 606-624 Divisadero Street (aka "Harding Theater") in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31.

On November 29, 2004, having received no appeal of the preliminary mitigated negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 606-624 Divisadero Street ("mitigated negative declaration") in accordance with Administrative Code Section 31.11(h). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 050287 and is incorporated by reference herein.

On February 16, 2005, the Clerk of the Board received an appeal of the mitigated negative declaration from Arthur D. Levy on behalf of the Central City Progressives ("Appellant").

The California Public Resources Code Section 21151(c) was amended effective January 1, 2003, to provide that negative declarations are appealable to the elected decision-making body. The Board of Supervisors has not yet adopted specific procedures or time lines providing for appeals of such negative declarations.

This Board held a duly noticed public hearing on April 19, 2005, to consider whether the appeal filed by Appellants was timely. Following the conclusion of the public hearing the Board determined that the appeal was timely filed, based on the whole record before the

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Board, including the written record in File No. 050288, which is hereby declared to be a part of this motion as if set forth fully herein, as well as written submission to, public testimony at, and official written, video and audio records of the Planning Department determination on the negative declaration and subsequent determinations of the Planning Department related to the 606-616 Divisadero Street project, and deliberation of the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the question of whether the appeal was timely.

MOVED, That the Board of Supervisors finds that although the Planning Department followed its normal practice of providing notice to persons within the immediate vicinity of the proposed project, in the newspaper and to persons requesting notice of the project, neither Appellants nor other groups that were knowledgeable about the potential historic resource value of the Harding Theater specifically received notice of the availability of the negative declaration.

MOVED, That the Board of Supervisors finds that the negative declaration prepared by the Planning Department, provided to the public and submitted to the Planning Commission and the notices provided regarding the availability of the negative declaration did not identify the project as the "Harding Theater" and, therefore, did not alert persons who may have been knowledgeable about the potential historic resource value of the Harding Theater that the theater building was proposed for demolition.

MOVED, That the Board of Supervisors finds that Appellants have raised a new issue concerning the adequacy of the negative declaration's analysis of the effect of the proposed project on historic resources that is not included in the information that the Planning Department presented to the Planning Commission and was apparently not known to the parties that were notified specifically of the availability of the negative declaration.

MOVED, That the Appellants promptly brought the historic resources information to the attention of the Board of Supervisors when they became aware of the project's potential impact on historic resources by filing an appeal with the Board of Supervisors within thirty (30) days of the Planning Commission's approval of the conditional use permit.

FURTHER MOVED, That in light of all of the facts and circumstances of the matter the Board of Supervisors finds that the Appellants brought the appeal of the negative declaration within a reasonable period of time.

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Motion

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File Number: 050668 **Date Passed:**

Motion adopting findings related to the determination that the appeal of the negative declaration for the 606-624 Divisadero Street project was timely filed.

April 20, 2005 Board of Supervisors — REFERRED: Board of Supervisors

April 26, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

File No. 050668

I hereby certify that the foregoing Motion was APPROVED on April 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050710 MOTION NO. M05-63

[Appointment - Police Commission]

Motion confirming the Rules Committee's nomination of, and appointing, Gayle Orr-Smith to the San Francisco Police Commission for a term of office commencing on April 30, 2005 at noon, term ending April 30, 2009 at noon.

MOVED, that the Board of Supervisors of the City and County of San Francisco hereby confirms the Rules Committee's nomination of, and appoints, Gayle Orr-Smith to the San Francisco Police Commission for a term of office commencing on April 30, 2005 at noon, for a four-year term, consistent with Section 4.109 of the City Charter.

Gayle Orr-Smith, succeeding herself, term expiring April 30, 2005 at noon, seat 3, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for a four-year term ending April 30, 2009 at noon.

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Tails

Motion

File Number: 050710 **Date Passed:** May 3, 2005

Motion confirming the Rules Committee's nomination of, and appointing, Gayle Orr-Smith to the San Francisco Police Commission for a term of office commencing on April 30, 2005 at noon, term ending April 30, 2009 at noon.

May 3, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

File No. 050710

I hereby certify that the foregoing Motion was APPROVED on May 3, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for Gloria L. Young
Clerk of the Board

FILE NO. 050722 MOTION NO. M05-64

[Final Map for a 23 Unit Commercial/Residential Condominium Project]

Motion approving Final Map of 515-521-525 Gough Street, A Commercial/Residential Condominium Project, being a subdivision of Lot 77 in Assessor's Block No. 793, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 515-521-525 Gough Street, a Commercial/Residential Condominium Project," being a subdivision of Lot 77, in Assessor's Block No. 793, comprising 10 sheets, approved the 6th Day of April 2005 by Department of Public Works Order No. 175,326, be and the same is hereby approved and adopted as the Official Map of 515-521-525 Gough Street, a Commercial/Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated December 9, 2004, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Motion

File Number: 050722 **Date Passed:** May 3, 2005

Motion approving Final Map of 515-521-525 Gough Street, A Commercial/Residential Condominium Project, being a subdivision of Lot 77 in Assessor's Block No. 793, and adopting findings pursuant to Planning Code Section 101.1.

May 3, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050722

I hereby certify that the foregoing Motion was APPROVED on May 3, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Gloria L. Young
Clerk of the Board

FILE NO. 050723 MOTION NO. M05-65

[Final Map for a 6 Lot Merger and 5 Lot Re-subdivision Project]

Motion approving Final Map of 830 Lake Street, A 6 Lot Merger and 5 Lot Re-subdivision Project, being a re-subdivision of Lots 7, 8, 9, 10, 11 and 12 in Assessor's Block No. 1349, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 830 Lake Street, a 6 Lot Merger and 5 Lot Re-subdivision Project," being a re-subdivision of Lots 7, 8, 9, 10,11, and 12, in Assessor's Block No. 1349, comprising 5 sheets, approved the 13th Day of April 2005, by Department of Public Works Order No. 175,337, be and the same is hereby approved and adopted as the Official Map of 830 Lake Street, a Merger and Re-subdivision Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated June 30, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

DEPARTMENT OF PUBLIC WORKS
BOARD OF SUPERVISORS

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Tails

Motion

File Number: 050723 **Date Passed:** May 3, 2005

Motion approving Final Map of 830 Lake Street, A 6 Lot Merger and 5 Lot Re-subdivision Project, being a re-subdivision of Lots 7, 8, 9, 10, 11 and 12 in Assessor's Block No. 1349, and adopting findings pursuant to Planning Code Section 101.1.

May 3, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050723

I hereby certify that the foregoing Motion was APPROVED on May 3, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Gloria L. Young
Clerk of the Board

FILE NO. 050731 MOTION NO. M05-66

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Motion

File Number: 050731 **Date Passed:** May 3, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

May 3, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050731

I hereby certify that the foregoing Motion was APPROVED on May 3, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Amendment of the whole further amended. 4/25/05
FILE NO. 050679 MOTION NO. M05-67

[Audit Priorities]

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

WHEREAS, It is the policy of the Board of Supervisors that each program of the City and county of San Francisco be the subject of a performance or management audit at least once every eight years; and

WHEREAS, The function of regular audits is to ensure that city departments and agencies make prudent and efficient use of city resources and also effectively perform the functions assigned to them by the charter and applicable laws; and,

WHEREAS, Rule 6.18 of the Rules of Order outlines the criteria to be used in developing the proposed audit schedule, and those priorities include programs that have never undergone a management audit as well as programs that have gone the longest period of time since their last management audit; and,

WHEREAS, The Board of Supervisors has reviewed the schedule and has approved a schedule which the Board believes will result in audit findings which will be most effective in improving services to the people of San Francisco; now, therefore, be it

MOVED, That the Budget Analyst is hereby directed to include in its schedule of audits. in the following order of priority, the Recreation and Parks Department and the Department of Public Works; and, be it

FURTHER MOVED, That the Budget Analyst is hereby directed to prepare a report in conjunction with the Controller to meet the FY 2006-2007 funding requirements for the Public Education Enrichment Fund as required by Charter Section 16.123-2; and, be

FURTHER MOVED, That the Budget Analyst is authorized to initiate focused special projects to the extent that staff resources are available and if there are no pending special

Supervisor Peskin , Elsbernd
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project assignments as directed by the Board of Supervisors, after informing the President of the Board of Supervisors and ~~the chair of~~ the Government Audits and Oversight Committee.

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Motion

File Number: 050679 **Date Passed:** May 3, 2005

Motion adopting a proposed schedule of audits to be conducted of programs of City and County departments.

May 3, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050679

I hereby certify that the foregoing Motion was APPROVED on May 3, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050762 MOTION NO. M05-68

[Final Map for a 2 Lot Merger and 5 Lot Resubdivision Project]

Motion approving Final Map of Oneida Avenue, A 2 Lot Merger and 5 Lot Resubdivision Project, being a resubdivision of Lots 8B and 9D in Assessor's Block No. 6951, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of Oneida Avenue, a 2 Lot Merger and 5 Lot Resubdivision Project," being a re-subdivision of Lots 8B and 9D, in Assessor's Block No. 6951, comprising 2 sheets, approved the 25th Day of April 2005, by Department of Public Works Order No. 175,373, be and the same is hereby approved and adopted as the Official Map of Oneida Avenue, a Merger and Re-subdivision Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated September 22, 2000, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

DEPARTMENT OF PUBLIC WORKS
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Motion

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File Number: 050762 **Date Passed:** May 10, 2005

Motion approving Final Map of Oneida Avenue, A 2 Lot Merger and 5 Lot Resubdivision Project, being a resubdivision of Lots 8B and 9D in Assessor's Block No. 6951, and adopting findings pursuant to Planning Code Section 101.1.

May 10, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050762

I hereby certify that the foregoing Motion was APPROVED on May 10, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO.050774 Amendment of the Whole 5/10/05 MOTION NO. M05-69

[Report for Interim Moratorium on Clubs or Dispensaries Where Marijuana is Grown, Purchased or Distributed With a Medical Recommendation.]

Motion ~~adopting and~~ issuing the Planning Department's report concerning the Board's urgency Ordinance that imposed a 45-day interim moratorium on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation.

WHEREAS, On March 29, 2005, the Board of Supervisors adopted Ordinance No. 64-05, an urgency Ordinance that imposed a 45-day moratorium on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation. A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 050512, and is incorporated herein by reference; and,

WHEREAS, On April 1, 2005, the Mayor signed Ordinance No. 64-05 into law; and

WHEREAS, Said Ordinance was adopted in accordance with California Government Code section 65858, which governs the adoption and extension of interim zoning moratoria; and,

WHEREAS, Government Code section 65858(d) requires the local legislative body to issue a written report describing the measures taken to alleviate the condition that led to the adoption of the moratorium; and,

WHEREAS, On April 2~~5~~2, 2005, the Planning Department issued a report entitled "Report on Status and Regulatory Actions Regarding Medical Cannabis Dispensaries" ~~Interim Ordinance on Clubs or Dispensaries Where Marijuana Is Grown, Purchased or Distributed With a Medical Recommendation~~" for the Board's consideration. A copy of said report is on file with the Clerk of the Board of Supervisors in File No. 050512 and is incorporated herein by reference; and

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WHEREAS, On April 25, 2005 during a hearing of the Government Oversight and Audit Committee of the Board of Supervisors, the Committee considered the Planning Department's report; now, therefore, be it

MOVED, The Board of Supervisors, in accordance with California Government Code section 65858 and in furtherance of Ordinance No. 64-05, ~~adopts as its own and~~ formally issues the Planning Department's report entitled "Report on Status and Regulatory Actions Regarding Medical Cannabis Dispensaries." ~~Interim Ordinance on Clubs or Dispensaries Where Marijuana Is Grown, Purchased or Distributed With a Medical Recommendation.~~"

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Motion

File Number: 050774 **Date Passed:** May 10, 2005

Motion issuing the Planning Department's report concerning the Board's urgency Ordinance that imposed a 45-day interim moratorium on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation.

May 10, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

May 10, 2005 Board of Supervisors — APPROVED AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050774

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on May 10, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050775 MOTION NO. M05-70

[Committee of the Whole.]

Motion for the Board of Supervisors to convene as a committee of the whole on May 10, 2005, at 5:00 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance extending an interim zoning moratorium throughout the City for 60 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

WHEREAS, In November of 2002, the City's voters passed Proposition S, a declaration of policy directing the City to "explore the possibility of establishing a program whereby the City would grow medical cannabis and distribute it to patients attempting to exercise their rights under Proposition 215."

WHEREAS, Since the passage of Proposition S, the City has witnessed a dramatic increase of unregulated medical cannabis dispensaries.

WHEREAS, In 2002 there were approximately 2,200 individuals registered with the Department of Public Health's Medical Cannabis Voluntary Identification Card Program and there are now over 7,000 individuals enrolled.

WHEREAS, As of March 2005, there are approximately 35 medical cannabis dispensaries in operation in the City, with approximately another 10 clubs scheduled to open later this year.

WHEREAS, The proliferation of medical cannabis dispensaries has had attendant health, safety and welfare consequences that were not anticipated at the time that zoning

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determinations were made permitting medical cannabis dispensaries to operate subject to a conditional use permit in some areas of the City, and as of right in others.

WHEREAS, There are currently no comprehensive City laws regulating or monitoring medical cannabis dispensaries.

WHEREAS, The healthy coexistence of medical cannabis dispensaries and surrounding neighborhoods is in the best interest of residents of the City.

WHEREAS, A moratorium will provide the City the time to draft and adopt laws, consistent with the Compassionate Use Act of 1996 and SB 420, that will regulate the location and operation of medical cannabis dispensaries, while still allowing for the operation of legally existing medical cannabis dispensaries to guarantee that patients, their caregivers and physicians have access medical cannabis; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco shall hereby convene as a committee of the whole on May 5, 2005, to accept public testimony concerning the possible adoption of an urgency ordinance extending an interim zoning moratorium throughout the City for 60 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation.

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Motion

File Number: 050775 **Date Passed:** May 10, 2005

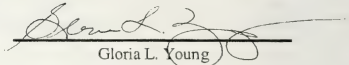
Motion for the Board of Supervisors to convene as a committee of the whole on May 10, 2005, at 5:00 p.m. to accept public testimony concerning the possible adoption of an urgency ordinance extending an interim zoning moratorium throughout the City for 60 days on clubs or dispensaries where marijuana is grown, purchased or distributed with a medical recommendation and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

May 10, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050775

I hereby certify that the foregoing Motion was APPROVED on May 10, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 050665 MOTION NO. M05-71

[Affirming the categorical exemption issued for 2506 Union Street.]

Motion affirming the determination by the Planning Department that the 2506 Union Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that a proposal to demolish a one-story garage located in the front setback area and add an approximately 1,953-square foot horizontal addition in the rear of a single-family building at 2506 Union Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around March 14, 2005 ("determination"). A copy of the certificate of determination of exemption/exclusion from environmental review is on file with the Clerk of the Board of Supervisors in File No. 050664, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated March 31, 2005, Jeremy Paul, on behalf of Jacqueline and John McMahan, ("Appellants") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around March 31, 2005; and,

WHEREAS, On May 17, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination; and,

WHEREAS, This Board has reviewed and considered the determination, the appeal letter, the responses to concerns document that the Planning Department prepared, and public testimony; and,

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for

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public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt from environmental review.

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City and County of San Francisco

Tails

Motion

File Number: 050665 **Date Passed:** May 17, 2005

Motion affirming the determination by the Planning Department that the 2506 Union Street project is categorically exempt from environmental review under the California Environmental Quality Act.

May 17, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

File No. 050665

I hereby certify that the foregoing Motion was APPROVED on May 17, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050667 MOTION NO. M05-72

[Preparation of findings related to the categorical exemption issued for 2506 Union Street.]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 2506 Union Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that a proposal to demolish a one-story garage located in the front setback area and add an approximately 1,953-square foot horizontal addition in the rear of a single-family building at 2506 Union Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around March 14, 2005 ("determination"). A copy of the certificate of determination of exemption/exclusion from environmental review is on file with the Clerk of the Board of Supervisors in File No. 050664, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated March 31, 2005, Jeremy Paul, on behalf of Jacqueline and John McMahan, ("Appellants") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around March 31, 2005; and,

WHEREAS, On May 17, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination. Following the conclusion of the public hearing, the Board rendered a decision on the use of an exemption for this Project based on the written record before the Board in File No. 050664, which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeal; and,

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WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now, therefore, be it

MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the use of an exemption for the Project at 2506 Union Street.

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City and County of San Francisco

Tails

Motion

File Number: 050667 **Date Passed:** May 17, 2005

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 2506 Union Street project is categorically exempt from environmental review under the California Environmental Quality Act.

May 17, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Daly, Mirkarimi

File No. 050667

I hereby certify that the foregoing Motion was APPROVED on May 17, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050659 MOTION NO. M05-73

[Affirming the categorical exemption issued for 755 22nd Avenue.]

Motion affirming the determination by the Planning Department that the 755 22nd Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that a proposal to construct a 3-story horizontal addition at the rear of a 3-story structure single-family home at 755 22nd Avenue and to add a dwelling unit at the ground floor level ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around September 9, 2004 ("determination"). A copy of the building permit application for the Project with a notation that the Planning Department determined the project was exempt from environmental review is on file with the Clerk of the Board of Supervisors in File No. 050658, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated April 13, 2005, Camille Hamilton and David R. Pating ("Appellants") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around April 13, 2005; and,

WHEREAS, On May 17, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination; and,

WHEREAS, This Board has reviewed and considered the determination, the appeal letter, the responses to concerns document that the Planning Department prepared, and public testimony; and,

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for

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public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt from environmental review.

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City and County of San Francisco

Tails

Motion

File Number: 050659 **Date Passed:** May 17, 2005

Motion affirming the determination by the Planning Department that the 755 22nd Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

May 17, 2005 Board of Supervisors — APPROVED

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval
Noes: 3 - Ammiano, McGoldrick, Mirkarimi
Absent: 1 - Daly

File No. 050659

I hereby certify that the foregoing Motion was APPROVED on May 17, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050661 MOTION NO. M05-74

[Preparation of findings related to the categorical exemption issued for 755 22nd Avenue.]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 755 22nd Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that a proposal to construct a 3-story horizontal addition at the rear of a 3-story structure single-family home at 755 22nd Avenue and to add a dwelling unit at the ground floor level ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around September 9, 2004 ("determination"). A copy of the building permit application for the Project with a notation that the Planning Department determined the project was exempt from environmental review is on file with the Clerk of the Board of Supervisors in File No. 050658, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated April 13, 2005, Camille Hamilton and David R. Pating ("Appellants") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around April 13, 2005; and,

WHEREAS, On May 17, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination. Following the conclusion of the public hearing, the Board rendered a decision on the use of an exemption for this Project based on the written record before the Board in File No. 050658, which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeal; and,

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WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now, therefore, be it

MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the use of an exemption for the Project at 755 22nd Avenue.

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City and County of San Francisco

Tails

Motion

File Number: 050661 **Date Passed:** May 17, 2005

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 755 22nd Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

May 17, 2005 Board of Supervisors — APPROVED

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin, Sandoval
Noes: 3 - Ammiano, McGoldrick, Mirkarimi
Absent: 1 - Daly

File No. 050661

I hereby certify that the foregoing Motion was APPROVED on May 17, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050764 MOTION NO. M05-75

[Adopting findings related to affirming the categorical exemption for 1 La Avanzada Avenue (aka 250 Palo Alto Avenue).]

Motion adopting findings affirming the determination by the Planning Department that the 1 La Avanzada Street (aka 250 Palo Alto Avenue) project is categorically exempt from environmental review under the California Environmental Quality Act.

The Planning Department determined that the installation of a radio antenna, emergency generator and diesel fuel tank and 4 satellite dishes on Sutro Tower ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around February 10, 2005 (the "determination"). By letter to the Clerk of the Board of Supervisors dated February 28, 2005, SiuLing Chen, on behalf of Midtown Terrace Homeowners Association, and Doris Linnenback, on behalf of Twin Peaks Improvement Association, filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around February 28, 2005.

On April 26, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination and following the public hearing affirmed the determination of the Planning Department that the Project is categorically exempt from CEQA.

In reviewing the appeal of the categorical exemption determination, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the determination made by the Planning Department on February 10, 2005.

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FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the Certificate of Exemption/Exclusion from Environmental Review finding that the proposed Project is exempt/excluded from environmental review.

FURTHER MOVED, That after carefully considering the appeal of the categorical exemption this Board concludes that the Project qualifies for a categorical exemption as set forth in the determination by the Planning Department and there are no special circumstances present in this case that would require the preparation of a negative declaration or an environmental impact report for the Project under the California Environmental Quality Act and CEQA Guidelines.

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Tails

Motion

File Number: 050764 **Date Passed:** May 17, 2005

Motion adopting findings affirming the determination by the Planning Department that the 1 La Avanzada Street (aka 250 Palo Alto Avenue) project is categorically exempt from environmental review under the California Environmental Quality Act.

May 6, 2005 Board of Supervisors — REFERRED: Board of Supervisors

May 17, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050764

I hereby certify that the foregoing Motion was APPROVED on May 17, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050821 MOTION NO

[Emergency Disadvantaged Business Enterprise Program – May 24, 2005, Committee of the Whole.]

Motion for the Board of Supervisors to convene as a committee of the whole on May 24, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

WHEREAS, A recent San Francisco Superior Court decision has resulted in the need for the City and County of San Francisco to consider immediately how best to implement a revised public contracting program to assist disadvantaged businesses conducting business with the City and County; and

WHEREAS, The Board adopted by emergency ordinance an Interim Disadvantaged Business Enterprise Program ("DBE"); and

WHEREAS, The Board wishes to consider emergency legislation to reenact this DBE program in order to address the immediate need to avoid confusion and delay in public contracting, and May 24, 2005, is the next available meeting for Board consideration of this issue; and,

WHEREAS, Public testimony will be required before the Board may take any action on any proposed ordinances that would address this issue; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco shall hereby convene as a committee of the whole on May 24, 2005, to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program.

Supervisor Ammiano
BOARD OF SUPERVISORS

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Motion

File Number: 050824 Date Passed:

Motion for the Board of Supervisors to convene as a committee of the whole on May 24, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

May 17, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050824

I hereby certify that the foregoing Motion was APPROVED on May 17, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050815 MOTION NO. M05-77

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 050815 **Date Passed:** May 17, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

May 17, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050815

I hereby certify that the foregoing Motion was APPROVED on May 17, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050904 MOTION NO. M05-78

[Final Map for Blocks 9, 9A, 10 and 10A, Planned Development, Mission Bay South]

Motion approving Final Map, Planned Development, Mission Bay (Blocks 9, 9A, 10 and 10A), a five-lot subdivision, being a Planned Development of Assessor's Block 8719, Lot 1 and a merger and resubdivision of Block 8720, lots 1 and 11; approving a public improvement agreement and easements related to the final map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan and Plan Documents.

MOVED, That the certain map entitled "FINAL MAP, PLANNED DEVELOPMENT, MISSION BAY, (9-9A AND 10-10A) BEING PHASE ONE OF A PLANNED DEVELOPMENT OF ASSESSOR'S BLOCK 8719, LOT 1 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF MISSION BAY" RECORDED ON JULY 19,1999 IN BOOK Z OF MAPS AT PAGES 97-119, IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA AND A MERGER AND RESUBDIVISION OF ASSESSOR'S BLOCKS 8720, LOT 1 AS SHOWN ON SAID MAP AND 8720, LOT 11 AS DESCRIBED IN THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED ON DECEMBER 12, 2001 IN BOOK I032 IMAGE 267, IN THE OFFICE OF SAID RECORDER," comprising 5 sheets, approved May 11, 2005 by Department of Public Works Order No. 175,408 together with the Public Improvement Agreement for Mission Bay South Blocks 9, 9A, 10 and 10A, dated March 30, 2005 between the City and County of San Francisco and FOCIL – MB, LLC are hereby approved and said map is adopted as an Official Final Map of Mission Bay for Assessor's Block 8719, Lots 3, 4 and 5 and Assessor's Block 8720, Lots 16 and 17;and be it

FURTHER MOVED, That certain public improvements necessitated by the approval of the Final Map have not been completed at this time, therefore the City and the developer have

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entered into a Public Improvement Agreement for Mission Bay South Blocks 9, 9A, 10 and 10A, dated March 30, 2005, between the City and County of San Francisco and FOCIL - MB, LLC., a copy of which is in Clerk of the Board File No. 050904, and the Board hereby approves this agreement; and be it

FURTHER MOVED, That the San Francisco Board of Supervisors accept, subject to improvement of the easement area, all the public access easements offered on this Final Map; and be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the City Planning Department, by its letter dated January 28, 2005, that the proposed subdivision is consistent with the objectives and policies of the General Plan and the Eight Priority Policies of Section 101.1 of the Planning Code; and be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the San Francisco Redevelopment Agency, by its letter dated January 27, 2005, that the proposed subdivision is consistent with the Mission Bay South Redevelopment Plan and Plan Documents (as such term is defined therein); and be it

FURTHER MOVED, That the San Francisco Board of Supervisors hereby authorizes the Director of the Department of Public Works to enter all necessary recording information on the Final Map and authorizes the Clerk of the Board of Supervisors to execute the Clerks statement as set forth herein; and be it

FURTHER MOVED, That approval of this map is also conditioned upon compliance by the subdivider with all applicable provisions of the Mission Bay Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, LS
County Surveyor

City and County of San Francisco
Tails
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Motion

File Number: 050904 **Date Passed:** May 24, 2005

Motion approving Final Map, Planned Development, Mission Bay (Blocks 9, 9A, 10 and 10A), a five-lot subdivision, being a Planned Development of Assessor's Block 8719, Lot 1 and a merger and resubdivision of Block 8720, lots 1 and 11; approving a public improvement agreement and easements related to the final map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan and Plan Documents.

May 24, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050904

I hereby certify that the foregoing Motion was APPROVED on May 24, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050816 MOTION NO. M05-79

[Confirming Edwin Lee as City Administrator]

Motion confirming Edwin Lee as City Administrator.

WHEREAS, Charter Section 3.104 states that: "The Mayor shall appoint or reappoint a City Administrator, subject to confirmation by the Board of Supervisors"; and,

WHEREAS, The Mayor has appointed Edwin Lee to serve as City Administrator; and,

WHEREAS, The Board of Supervisors wishes to confirm Edwin Lee as City Administrator; now, therefore, be it

MOVED, That Edwin Lee is confirmed as City Administrator for the City and County of San Francisco, for a five-year term ending May ___, 2010.

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Motion

File Number: 050816 **Date Passed:** May 24, 2005

Motion confirming Edwin Lee as City Administrator.

May 24, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050816

I hereby certify that the foregoing Motion was APPROVED on May 24, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

AMENDMENT OF THE WHOLE - 5/18/05

FILE NO. 050820 MOTION NO. M05-80

[Off-Site Government Audit and Oversight Committee Meeting on June 18, 2005, 2:00 p.m. to 4:00 p.m., at the California State Building Auditorium, 455 Golden Gate Avenue]

Motion scheduling a special off-site meeting of the Government Audit and Oversight Committee on Saturday, June 18, 2005, 2:00 p.m. to 4:00 p.m., at the California State Building Auditorium, 455 Golden Gate Avenue, for the purpose of receiving community input regarding the status of Laguna Honda Hospital.

WHEREAS, The Government Audit and Oversight Committee has been studying issues related to the reconstruction of the Laguna Honda Hospital; and

WHEREAS, The State of California is responsible for ensuring the highest quality of care for seniors, frail elderly and disabled San Franciscans; and,

WHEREAS, The State of California is responsible for regulating the level of care at Laguna Honda Hospital and ensuring employee safety through Cal-OSHA; and,

WHEREAS, An off-site special Saturday meeting of the Government Audit and Oversight Committee would provide an opportunity for members of the public to join City officials as well as elected officials and representatives of California State government to discuss issues of importance related to Laguna Honda Hospital; now, therefore, be it,

MOVED, That the Board of Supervisors approve a Special Government Audit and Oversight Committee off-site meeting to be held from 2:00 p.m. to 4:00 p.m. at the California State Building Auditorium located at 455 Golden Gate Avenue on Saturday, June 18, 2005.

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Motion

File Number: 050820 **Date Passed:** May 24, 2005

Motion scheduling a special off-site meeting of the Government Audit and Oversight Committee on Saturday, June 18, 2005, 2:00 p.m. to 4:00 p.m., at the California State Building Auditorium, 455 Golden Gate Avenue, for the purpose of receiving community input regarding the status of Laguna Honda Hospital.

May 24, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050820

I hereby certify that the foregoing Motion was APPROVED on May 24, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050886 MOTION NO. M05-81

[Committee of the Whole – Bielenson Hearing June 21, 2005]

Motion scheduling the Board to sit as a Committee of the Whole to consider health service reductions (Bielenson Hearing), to be held on June 21, 2005 at 3:00 p.m.

MOVED, That the Board of Supervisors convene as a Committee of the Whole to consider health service reductions on June 21, 2005 at 3:00 p.m.

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Supervisor Ammiano
BOARD OF SUPERVISORS

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Motion

File Number: 050886 **Date Passed:** May 24, 2005

Motion scheduling the Board to sit as a Committee of the Whole to consider health service reductions (Bielenson Hearing), to be held on June 21, 2005 at 3:00 p.m.

May 24, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050886

I hereby certify that the foregoing Motion was APPROVED on May 24, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051182 MOTION NO. M05-82

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

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File Number: 051182 Date Passed: June 28, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

June 28, 2005 Board of Supervisors -- APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051182

I hereby certify that the foregoing Motion was APPROVED on June 28, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050912 MOTION NO. M05-83

[Adopting findings related to affirming the categorical exemption for 2506 Union Street.]

Motion adopting findings affirming the determination by the Planning Department that the 2506 Union Street project is categorically exempt from environmental review under the California Environmental Quality Act.

The Planning Department determined that a proposal to demolish a one-story garage located in the front setback area and add an approximately 1,953-square foot horizontal addition in the rear of a single-family building at 2506 Union Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around March 14, 2005 ("determination"). By letter to the Clerk of the Board of Supervisors dated March 31, 2005, Jeremy Paul, on behalf of Jacqueline and John McMahan, ("Appellants") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around March 31, 2005.

On May 17, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination and following the public hearing affirmed the determination of the Planning Department that the Project is categorically exempt from CEQA.

In reviewing the appeal of the categorical exemption determination, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the determination made by the Planning Department on or around March 14, 2005.

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FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the Certificate of Exemption/Exclusion from Environmental Review finding that the proposed Project is exempt/excluded from environmental review.

FURTHER MOVED, That after carefully considering the appeal of the categorical exemption this Board concludes that the Project qualifies for a categorical exemption as set forth in the determination by the Planning Department, the subsequent written submittals to the Board of Supervisors by the Planning Department and the public and the oral presentations by the Planning Department and the public at the hearing before the Board of Supervisors.

FURTHER MOVED, That the Board of Supervisors finds that the Project will not cause a substantial adverse change in the significance of an historic resource because it will not demolish or materially alter in an adverse manner those physical characteristics of the historic resource that convey its historical significance and account for its inclusion in an approved City survey.

FURTHER MOVED, That the Board of Supervisors finds that there are no special circumstances present in this case that would require the preparation of a negative declaration or an environmental impact report for the Project under the California Environmental Quality Act and CEQA Guidelines.

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San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 050912 **Date Passed:** May 24, 2005

Motion adopting findings affirming the determination by the Planning Department that the 2506 Union Street project is categorically exempt from environmental review under the California Environmental Quality Act.

May 18, 2005 Board of Supervisors — REFERRED: Board of Supervisors

May 24, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

File No. 050912

I hereby certify that the foregoing Motion was APPROVED on May 24, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050913 MOTION NO. M05-84

[Adopting findings related to affirming the categorical exemption for 755-22nd Avenue.]

Motion adopting findings affirming the determination by the Planning Department that the 755-22nd Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

The Planning Department determined that a proposal to construct a 3-story horizontal addition at the rear of a 3-story structure single-family home at 755-22nd Avenue and to add a dwelling unit at the ground floor level ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around September 9, 2004 ("determination"). By letter to the Clerk of the Board of Supervisors dated April 13, 2005, Camille Hamilton and David R. Pating ("Appellants") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around April 13, 2005.

On May 17, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination and following the public hearing affirmed the determination of the Planning Department that the Project is categorically exempt from CEQA.

In reviewing the appeal of the categorical exemption determination, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the determination made by the Planning Department on September 9, 2004.

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FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the determination by the Planning Department that the proposed Project is exempt/excluded from environmental review.

FURTHER MOVED, That after carefully considering the appeal of the categorical exemption, including the written information submitted to the Board and the public testimony presented to the Board at the hearing on May 17, 2005, this Board concludes that the Project qualifies for a categorical exemption as a Class 1 exemption under CEQA Guidelines Section 15301(e)(1) as a minor addition to an existing structure.

FURTHER MOVED, That the Board concludes that appellants did not submit evidence to support their assertion that the private open space in the inward portion of the block in which the Project is located is an historic resource as defined by CEQA and the CEQA Guidelines. Further, the Board finds, based on the record before it, that neither the Project nor other past, present or reasonably foreseeable future projects will significantly impact the private open space in the inward portion of the block and there are no special circumstances present in this case that would require the preparation of a negative declaration or an environmental impact report for the Project under the California Environmental Quality Act and CEQA Guidelines.

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

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Motion

File Number: 050913 **Date Passed:** May 24, 2005

Motion adopting findings affirming the determination by the Planning Department that the 755-22nd Avenue project is categorically exempt from environmental review under the California Environmental Quality Act.

May 18, 2005 Board of Supervisors — REFERRED: Board of Supervisors

May 24, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

File No. 050913

I hereby certify that the foregoing Motion was APPROVED on May 24, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050976 MOTION NO. M05-85

[Final Map for a 6-unit residential condominium.]

Motion approving a Final Map of 400-402-404-406-408-410 Vallejo Street, a Residential Condominium Project, being a subdivision of Lot 11 in Assessor's Block No. 133, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map in Clerk of the Board of Supervisors File No. 050760 and entitled "Map of 400-402-404-406-408-410 Vallejo Street, a Residential Condominium Project," being a subdivision of Lot 11, Portion of Assessor's Block No. 133, comprising 6 sheets, approved the 20th Day of April 2005 by Department of Public Works Order No. 175,357, is hereby approved and adopted as the Official Map of 400-402-404-406-408-410 Vallejo Street, a Residential Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated October 17, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1; and, be it

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

Bruce Storrs
County Surveyor

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Motion

File Number: 050976 **Date Passed:** June 7, 2005

Motion approving Final Map of 400-402-404-406-408-410 Vallejo Street, A Residential Condominium Project, being a subdivision of Lot 11 in Assessor's Block No. 133, and adopting findings pursuant to Planning Code Section 101.1.

June 7, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Absent: 1 - McGoldrick

File No. 050976

I hereby certify that the foregoing Motion was APPROVED on June 7, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050914 MOTION NO. M05-86

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty
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Motion

File Number: 050914 **Date Passed:** June 7, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.
Version.

June 7, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

File No. 050914

I hereby certify that the foregoing Motion was APPROVED on June 7, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050909 | Amended in Board 6/7/05 | MOTION NO. M05-87

[Minor Sidewalk Encroachment Appeal]

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 11 Castenada Avenue and denying the encroachment permit.

MOVED, That pursuant to applicable provisions of Section 723.2 of the Public Works Code, the decision of the Director of Public Works by its Order No. 175,406 dated May 11, 2005, to grant Gabriel Y. Ng & Associates (agent for property owners David and Elaine Leong), a Minor Sidewalk Encroachment Permit No. 05MSE-0138 to construct a new warped driveway, new stair, low curbs and reconstruction of existing landscaping encroaching 8'-6" into the public right-of-way per neighborhood pattern fronting the property at 11 Castenada Avenue, Assessor's Block 2819, Lot 037, be and the same is hereby disapproved and the permit is denied.

Clerk of the Board
BOARD OF SUPERVISORS

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Motion

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File Number: 050909 **Date Passed:** June 7, 2005

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 11 Castenada Avenue and denying the encroachment permit.

June 7, 2005 Board of Supervisors — AMENDED

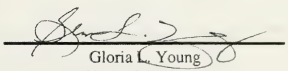
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

June 7, 2005 Board of Supervisors — APPROVED AS AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

File No. 050909

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on June 7, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 051097 MOTION NO. M05-88

[Final Map for a 139 Unit Mixed Use Condominium Project]

Motion approving Final Map of 333 First Street, A Mixed Use Condominium Project, being a subdivision of Lot 34 in Assessor's Block No. 3748, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 333 First Street, a Mixed Use Condominium Project," being a subdivision of Lot 34, in Assessor's Block No. 3748, comprising 31 sheets, approved the 11th Day of May 2005 by Department of Public Works Order No. 175,402, be and the same is hereby approved and adopted as the Official Map of 333 First Street, a Mixed Use Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated April 20, 2004, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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San Francisco, CA 94102-4689

File Number: 051097 **Date Passed:** June 14, 2005

Motion approving Final Map of 333 First Street, A Mixed Use Condominium Project, being a subdivision of Lot 34 in Assessor's Block No. 3748, and adopting findings pursuant to Planning Code Section 101.1.

June 14, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

File No. 051097

I hereby certify that the foregoing Motion was APPROVED on June 14, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051098 MOTION NO. M05-89

[Final Map for a 206 Unit Residential Condominium Project]

Motion approving Final Map of 355 First Street, A Residential Condominium Project, being a subdivision of Lot 35 in Assessor's Block No. 3748, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 355 First Street, a Residential Condominium Project," being a subdivision of Lot 35, in Assessor's Block No. 3748, comprising 36 sheets, approved the 11th Day of May 2005 by Department of Public Works Order No. 175,403, be and the same is hereby approved and adopted as the Official Map of 355 First Street, a Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated April 20, 2004, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Motion

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File Number: 051098 **Date Passed:** June 14, 2005

Motion approving Final Map of 355 First Street, A Residential Condominium Project, being a subdivision of Lot 35 in Assessor's Block No. 3748, and adopting findings pursuant to Planning Code Section 101.1.

June 14, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

File No. 051098

I hereby certify that the foregoing Motion was APPROVED on June 14, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051010 MOTION NO. M05-90

[Appointment - Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Jordan Shlain to the Entertainment Commission, term ending July 1, 2009.

WHEREAS, Pursuant to Charter Section 4.117, the Mayor has submitted a communication notifying the Board of Supervisors of the nomination of Jordan Shlain to the Entertainment Commission, received by the Clerk of the Board on May 31, 2005; and

WHEREAS, The Board of Supervisors has the authority to hold a public hearing and vote on the appointment within sixty days following transmittal of the Mayor's Notice of Appointment, and the failure of the Board to act on the nomination within the sixty day time period shall result in the nominee being deemed approved; now, therefore, be it

MOVED, That the Board of Supervisors hereby approves the Mayor's nomination for appointment of Jordan Shlain to the Entertainment Commission term ending July 1, 2009.

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Motion

File Number: 051010 **Date Passed:** June 14, 2005

Motion approving the Mayor's nomination for appointment of Jordan Shlain to the Entertainment Commission, term ending July 1, 2009.

June 14, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051010

I hereby certify that the foregoing Motion was APPROVED on June 14, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051026 MOTION NO. M05-91

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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File Number: 051026 **Date Passed:** June 14, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

June 14, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

File No. 051026

I hereby certify that the foregoing Motion was APPROVED on June 14, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050828 MOTION NO. M05 92

[Certain Commission candidates must file Statements of Economic Interests prior to Board consideration.]

Motion amending the Board's Rules of Order to add Rule 2.32, requiring each candidate for a Board, Commission or advisory body appointment or confirmation who would be required to file a Form 700 (Statement of Economic Interests) to submit such a Statement to the Clerk of the Board of Supervisors prior to Board Consideration of the appointment or confirmation, and allowing the Board to consider appointments or confirmations, despite the failure of an applicant to file a completed Form 700, if the time for Board consideration is about to expire.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

MOVED, That Rule 2.32 is hereby added to the Rules of Order of the Board of Supervisors, to read as follows:

RULE 2.32. CERTAIN CANDIDATES FOR COMMISSION APPOINTMENTS MUST SUBMIT A FORM 700 PRIOR TO BOARD CONSIDERATION. *Neither the Board of Supervisors, nor any Committee thereof, except as provided below, shall consider the appointment or confirmation of any person whose appointment to a Board, Commission or advisory body is subject to approval or confirmation by the Board of Supervisors, until the person has submitted to the Clerk of the Board of Supervisors a completed Statement of Economic Interests ("Form 700"), if the Form would be required under the California Political Reform Act, Government Code Section 87100, et seq., and San Francisco Campaign and Government Conduct Code Section 3.1.-100, et seq., for the office sought. If the Clerk of the Board determines that an applicant for an appointment may not submit a completed Form 700 in time to allow the Board to consider the appointment prior to the appointment becoming final by*

Supervisor Peskin, Ammiano, Elsbernd, Alioto-Pier, Mirkarimi
BOARD OF SUPERVISORS

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operation of law, then the Clerk shall schedule the consideration of the appointment at the next available Committee meeting, and shall ask the applicant to submit a completed Form 700 prior to the Committee's consideration. Applicants who do not submit a completed Form 700 may lack interest in the position, or may be reluctant to submit a Form 700, even though they will be required to file such a Form upon appointment or confirmation. It is the policy of the Board that when applicants fail to submit a completed Form 700, the Board shall reject the appointment or confirmation. The Clerk of the Board shall notify appointees subject to this requirement that submission of the Form pursuant to this Rule does not satisfy the requirement to file a completed Form 700 within 30 days of assuming office.

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Motion

File Number: 050828 **Date Passed:** June 21, 2005

Motion amending the Board's Rules of Order to add Rule 2.32, requiring each candidate for a Board, Commission or advisory body appointment or confirmation who would be required to file a Form 700 (Statement of Economic Interests) to submit such a Statement to the Clerk of the Board of Supervisors prior to Board Consideration of the appointment or confirmation, and allowing the Board to consider appointments or confirmations, despite the failure of an applicant to file a completed Form 700, if the time for Board consideration is about to expire.

June 21, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Ma
Excused: 1 - Maxwell

File No. 050828

I hereby certify that the foregoing Motion was APPROVED on June 21, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051127 MOTION NO M05-93

[FINAL MAP, PLANNED DEVELOPMENT, MISSION BAY]

Motion approving Final Map, Planned Development, Mission Bay (Block N5), a single-lot subdivision, being a Planned Development of Assessor's Block 8703, Lot 6; approving a public improvement agreement related to the final map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan and Plan Documents.

MOVED, That the certain map entitled "FINAL MAP, PLANNED DEVELOPMENT, MISSION BAY, (N5) BEING A PLANNED DEVELOPMENT SUBDIVISION OF ASSESSOR'S BLOCK 8703, LOT 6 AS SHOWN ON THAT CERTAIN LOT LINE ADJUSTMENT RECORDED ON OCTOBER 12, 2004 IN REEL I741 IMAGE 285 AND REEL I741 IMAGE 286 IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA," comprising 5 sheets, approved June 15, 2005 by Department of Public Works Order No. 175,471 together with the Public Improvement Agreement for Mission Bay North Block 8703/6 (N5) and NP5 Park, dated June 15, 2005 between the City and County of San Francisco and FOCIL – MB, LLC are hereby approved and said map is adopted as an Official Final Map of Mission Bay for Assessor's Block 8703, Lot 6; and be it

FURTHER MOVED, That certain public improvements necessitated by the approval of the Final Map have not been completed at this time, therefore the City and the developer have entered into a Public Improvement Agreement for Mission Bay North Blocks N5, dated June 15, 2005, between the City and County of San Francisco and FOCIL-MB, LLC., a copy of which is in Clerk of the Board File No. 051127, and the Board hereby approves this agreement; and be it

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FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the City Planning Department, by its letter dated August 20, 2004, that the proposed subdivision is consistent with the objectives and policies of the General Plan and the Eight Priority Policies of Section 101.1 of the Planning Code; and be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the San Francisco Redevelopment Agency, by its letter dated January 27, 2005, that the proposed subdivision is consistent with the Mission Bay North Redevelopment Plan and Plan Documents (as such term is defined therein); and be it

FURTHER MOVED, That the San Francisco Board of Supervisors hereby authorizes the Director of the Department of Public Works to enter all necessary recording information on the Final Map and authorizes the Clerk of the Board of Supervisors to execute the Clerks statement as set forth herein; and be it

FURTHER MOVED, That approval of this map is also conditioned upon compliance by the subdivider with all applicable provisions of the Mission Bay Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

Bruce Storrs L.S. 6914
My License Expires September 30, 2005
County Surveyor
City and County of San Francisco

City and County of San Francisco

Tails

Motion

City Hall
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San Francisco, CA 94102-4689

File Number: 051127 **Date Passed:** June 28, 2005

Motion approving Final Map, Planned Development, Mission Bay (Block N5), a single-lot subdivision, being a Planned Development of Assessor's Block 8703, Lot 6; approving a public improvement agreement related to the final map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan and Plan Documents.

June 28, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051127

I hereby certify that the foregoing Motion was APPROVED on June 28, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051217 MOTION NO. M05-94

[Final Map for a 23 Live/Work Condominium Project]

Motion approving Final Map of 1001 Mariposa Street, A Live/Work Condominium Project, being a subdivision of Lot 26 in Assessor's Block No. 4000, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 1001 Mariposa Street, a Live/Work Condominium Project," being a subdivision of Lot 26, in Assessor's Block No. 4000, comprising 6 sheets, approved the 15th Day of June 2005 by Department of Public Works Order No. 175,478, be and the same is hereby approved and adopted as the Official Map of 1001 Mariposa Street, a Live/Work Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated September 11, 1998, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

Bruce Storrs, L.S.
County Surveyor

DEPARTMENT OF PUBLIC WORKS
BOARD OF SUPERVISORS

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Motion

File Number: 051217 **Date Passed:** July 12, 2005

Motion approving Final Map of 1001 Mariposa Street, A Live/Work Condominium Project, being a subdivision of Lot 26 in Assessor's Block No. 4000, and adopting findings pursuant to Planning Code Section 101.1.

July 12, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

File No. 051217

I hereby certify that the foregoing Motion was APPROVED on July 12, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 050957 MOTION NO. M05-95

[Affirming the categorical exemption issued for 1740 20th Street.]

Motion affirming the determination by the Planning Department that the 1740 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that a proposal to construct a vertical L-shaped addition and a horizontal addition to a single-family residence at 1740 20th Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around April 22, 2005 ("determination"). A copy of the Certificate of Determination of Exemption/Exclusion from Environmental Review prepared by the Planning Department is on file with the Clerk of the Board of Supervisors in File No. 050956, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 20, 2005, Vincent March on behalf of Bob Siska ("Appellant") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around May 20, 2005; and,

WHEREAS, On June 28, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination; and,

WHEREAS, This Board has reviewed and considered the determination, the appeal letter, the responses to concerns document that the Planning Department prepared, and public testimony; and,

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for

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public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt from environmental review.

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Motion

File Number: 050957 **Date Passed:** July 12, 2005

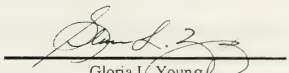
Motion affirming the determination by the Planning Department that the 1740 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act.

June 28, 2005 Board of Supervisors — CONTINUED
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 12, 2005 Board of Supervisors — APPROVED
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050957

I hereby certify that the foregoing Motion was APPROVED on July 12, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 050959 MOTION NO. M05-96

[Preparation of findings related to the categorical exemption issued for 1740 20th Street.]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1740 20th Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that a proposal to construct a vertical L-shaped addition and a horizontal addition to a single-family residence at 1740 20th Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around April 22, 2005 ("determination"). A copy of the Certificate of Determination of Exemption/Exclusion from Environmental Review prepared by the Planning Department is on file with the Clerk of the Board of Supervisors in File No. 050956, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 20, 2005, Vincent March on behalf of Bob Siska ("Appellant") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around May 20, 2005; and,

WHEREAS, On June 28, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination. Following the conclusion of the public hearing, the Board rendered a decision on the use of an exemption for this Project based on the written record before the Board in File No. 050956, which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeal; and,

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WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now, therefore, be it

MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the use of an exemption for the Project at 1740 20th Street.

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City and County of San Francisco

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Motion

File Number: 050959 **Date Passed:** July 12, 2005

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1740 20th Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

June 28, 2005 Board of Supervisors — CONTINUED

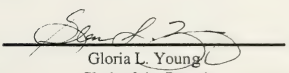
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 12, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050959

I hereby certify that the foregoing Motion was APPROVED on July 12, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 051055 MOTION NO. M05-97

[Minor Sidewalk Encroachment Appeal – 149 Fair Oaks Street]

Motion affirming the Department of Public Works' denial of an Encroachment Permit for 149 Fair Oaks Street and denying an Encroachment Permit.

MOVED, That pursuant to applicable provisions of Section 723.2 of the Public Works Code, the decision of the Department of Public Works by its decision dated May 25, 2005, to deny a Minor Sidewalk Encroachment Permit No. O5MSE-261 to Ron Wallace, Architect, (agent for property owner Sherri Maurin), the construction of a 15'-0" long x 3'-0" wide planter box and enclosure leaving, an 8'-8" clear pathway along the public sidewalk right-of-way fronting the property at 149 Fair Oaks Street, be and the same is hereby affirmed and the permit is denied.

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Motion

File Number: 051055 **Date Passed:** July 12, 2005

Motion affirming the Department of Public Works' denial of an Encroachment Permit for 149 Fair Oaks Street and denying an Encroachment Permit.

June 28, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 12, 2005 Board of Supervisors — TABLED

Ayes: 7 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Mirkarimi, Sandoval
Noes: 4 - Daly, Maxwell, McGoldrick, Peskin

July 12, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Sandoval
Noes: 3 - Daly, McGoldrick, Peskin

File No. 051055

I hereby certify that the foregoing Motion was APPROVED on July 12, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051251 MOTION NO. M05-98

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
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File Number: 051251 **Date Passed:** July 12, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

July 12, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

File No. 051251

I hereby certify that the foregoing Motion was APPROVED on July 12, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051305 MOTION NO. M05-99

[Adopting findings related to affirming the categorical exemption for 1740 20th Street.]

Motion adopting findings affirming the determination by the Planning Department that the 1740 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act.

The Planning Department determined that a proposal to construct a vertical L-shaped addition and a horizontal addition to a single-family residence at 1740 20th Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around April 22, 2005 ("determination"). By letter to the Clerk of the Board of Supervisors dated May 20, 2005, Vincent Marsh on behalf of Bob Siska ("Appellant") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around May 20, 2005.

On July 12, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination and following the public hearing affirmed the determination of the Planning Department that the Project is categorically exempt from CEQA.

In reviewing the appeal of the categorical exemption determination, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the determination made by the Planning Department on or around April 22, 2005.

FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project

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circumstances, and no new information of substantial importance that would change the conclusions set forth in the Certificate of Exemption/Exclusion from Environmental Review finding that the proposed Project is exempt/excluded from environmental review.

FURTHER MOVED, That after carefully considering the appeal of the categorical exemption this Board concludes that the Project qualifies for a categorical exemption as set forth in the determination by the Planning Department, the subsequent written submittals to the Board of Supervisors by the Planning Department and the public and the oral presentations by the Planning Department and the public at the hearing before the Board of Supervisors.

FURTHER MOVED, That the Board of Supervisors finds that the Project will not cause a substantial adverse change in the significance of an historic resource and will be consistent with the Secretary of Interior's *Standards for the Treatment of Historic Property with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* ("*Standards*"). Appellant, although arguing that the L-shaped addition does not accord with the original design and is inconsistent with *Standards 9 and 10*, does not present facts to support a finding that the project will have a substantial adverse effect on a historic resource. The Planning Department concludes, among other points, that the building addition will not have a substantial adverse change on the existing historic structure and will be consistent with the *Standards 9 and 10* because the addition will be distinguishable from the original historic building by setting the addition back from the front of the original building and using different louvers and different louver material and the addition will be reversible because it will keep the original building intact.

FURTHER MOVED, That the Board of Supervisors finds that there are no special circumstances present in this case that would require the preparation of a negative

declaration or an environmental impact report for the Project under the California Environmental Quality Act and CEQA Guidelines.

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Tails
Motion

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File Number: 051305 **Date Passed:** July 19, 2005

Motion adopting findings affirming the determination by the Planning Department that the 1740 20th Street project is categorically exempt from environmental review under the California Environmental Quality Act.

July 13, 2005 Board of Supervisors — REFERRED: Board of Supervisors

July 19, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051305

I hereby certify that the foregoing Motion was APPROVED on July 19, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051283 MOTION NO. M05-100

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
BOARD OF SUPERVISORS

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City and County of San Francisco

Tails

Motion

File Number: 051283 **Date Passed:** July 19, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

July 19, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051283

I hereby certify that the foregoing Motion was APPROVED on July 19, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051288 MOTION NO. M05-101

[Emergency Disadvataged Business Enterprise Program – July 26, 2005, Committee of the Whole.]

Motion for the Board of Supervisors to convene as a committee of the whole on July 26, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

WHEREAS, A recent San Francisco Superior Court decision has resulted in the need for the City and County of San Francisco to consider immediately how best to implement a revised public contracting program to assist disadvantaged businesses conducting business with the City and County; and,

WHEREAS, The Board adopted by emergency ordinance an interim Disadvantaged Business Enterprise Program ("DBE"); and,

WHEREAS, The Board wishes to consider emergency legislation to reenact this DBE program in order to address the immediate need to avoid confusion and delay in public contracting, and July 26, 2005, is the next available meeting for Board consideration of this issue; and,

WHEREAS, Public testimony will be required before the Board may take any action on any proposed ordinances that would address this issue; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco shall hereby convene as a committee of the whole on July 26, 2005, to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program.

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Motion

File Number: 051288 **Date Passed:** July 19, 2005

Motion for the Board of Supervisors to convene as a committee of the whole on July 26, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

July 19, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051288

I hereby certify that the foregoing Motion was APPROVED on July 19, 2005 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 051278 MOTION NO. M05-102

[Final Map for a 6 Unit Commercial Condominium Project]

Motion approving Final Map of Fulton Masonic, A Commercial Condominium Project, being a subdivision of Lot 30 in Assessor's Block No. 1175, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of Fulton Masonic, a Commercial Condominium Project," being a subdivision of Lot 30, in Assessor's Block No. 1175, comprising 5 sheets, approved the 22nd Day of June 2005 by Department of Public Works Order No. 175,491, be and the same is hereby approved and adopted as the Official Map of Fulton Masonic, a Commercial Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated March 3, 2004, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

Bruce Storrs, L.S.
County Surveyor

DEPARTMENT OF PUBLIC WORKS
BOARD OF SUPERVISORS

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Motion

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File Number: 051278 **Date Passed:** July 26, 2005

Motion approving Final Map of Fulton Masonic, a Commercial Condominium Project, being a subdivision of Lot 30 in Assessor's Block No. 1175, and adopting findings pursuant to Planning Code Section 101.1.

July 26, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

File No. 051278

I hereby certify that the foregoing Motion was APPROVED on July 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051279 MOTION NO. M05-103

[Final Map for a 42 Unit Mixed Use Condominium Project]

Motion approving Final Map of San Francisco Tiffany Gardens 199 Tiffany Avenue/3294 Mission Street, A Mixed Use Condominium Project, being a subdivision of Lot 12 in Assessor's Block No. 6596, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of San Francisco Tiffany Gardens 199 Tiffany Avenue/3294 Mission Street, a Mixed Use Condominium Project," being a subdivision of Lot 12, in Assessor's Block No. 6596, comprising 10 sheets, approved the 15th Day of June 2005 by Department of Public Works Order No. 175,479, be and the same is hereby approved and adopted as the Official Map of San Francisco Tiffany Gardens 199 Tiffany Avenue/3294 Mission Street, a Mixed Use Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated August 12, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

Bruce Storrs, L.S.
County Surveyor

DEPARTMENT OF PUBLIC WORKS
BOARD OF SUPERVISORS

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Motion

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File Number: 051279 **Date Passed:** July 26, 2005

Motion approving Final Map of San Francisco Tiffany Gardens 199 Tiffany Avenue/3294 Mission Street, A Mixed Use Condominium Project, being a subdivision of Lot 12 in Assessor's Block No. 6596, and adopting findings pursuant to Planning Code Section 101.1.

July 26, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

File No. 051279

I hereby certify that the foregoing Motion was APPROVED on July 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051272 MOTION NO. M05-104

[Minor Sidewalk Encroachment Permit Appeal]

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 405 Hill Street and denying the appeal.

Moved, That pursuant to applicable provisions of Section 723.2 of Public Works Code, the decision of the Department of Public Works by its order No. 175,475 dated June 15, 2005 to grant Jan Threlkeld (agent/architect for property owner Brendan Quinlan), a Minor Sidewalk Encroachment Permit No. 04MSE-592, to occupy a portion of the public sidewalk right-of-way for the purpose of constructing and maintaining two 30" high planter box, and a warped driveway ramp, to encroach 3'-9" into the public sidewalk right-of way fronting the property at 405 Hill Street, Lot 054 in Assessor's Block 3621, be and the same is hereby approved and the appeal is denied.

Clerk of the Board
BOARD OF SUPERVISORS

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Motion

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File Number: 051272 **Date Passed:** July 26, 2005

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 405 Hill Street and denying the appeal.

July 26, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - McGoldrick
Excused: 1 - Daly

File No. 051272

I hereby certify that the foregoing Motion was APPROVED on July 26, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051254 MOTION NO. M05-105

[Appointment - Board of Appeals]

Motion approving the Mayor's appointment of Katharine Albright to the Board of Appeals for the term ending July 1, 2008.

WHEREAS, Pursuant to Charter Section 4.106, the Mayor has submitted a communication notifying the Board of Supervisors of the nomination of Katharine Albright to the Board of Appeals, received by the Clerk of the Board on June 28, 2005; and

WHEREAS, The Board of Supervisors, by Motion 02-80 established a process to review the Mayor's nomination to the Board of Appeals; now, therefore, be it

MOVED, That the Board of Supervisors hereby approves the Mayor's appointment of Katharine Albright to the Board of Appeals term ending July 1, 2008.

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Motion

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File Number: 051254 **Date Passed:** August 2, 2005

Motion approving the Mayor's appointment of Katharine Albright to the Board of Appeals for the term ending July 1, 2008.

August 2, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051254

I hereby certify that the foregoing Motion was APPROVED on August 2, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051367 MOTION NO. M05-106

[Appointment - Entertainment Commission]

Motion appointing Erik Joseph Pred, term ending July 1, 2009, to the Entertainment Commission.

WHEREAS, Pursuant to Charter Section 4.117, the Board of Supervisors shall appoint three members to the Entertainment Commission; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby appoint Erik Joseph Pred to serve as its representative to the Entertainment Commission.

Erik Joseph Pred, succeeding himself, term expired, seat 3, must represent the interests of the public health community, for the unexpired portion of a four-year term ending July 1, 2009.

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Motion

File Number: 051367 **Date Passed:** August 2, 2005

Motion appointing Erik Joseph Pred, term ending July 1, 2009, to the Entertainment Commission.

August 2, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051367

I hereby certify that the foregoing Motion was APPROVED on August 2, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051356 MOTION NO. M05-107

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
BOARD OF SUPERVISORS

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Motion

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File Number: 051356 **Date Passed:** August 2, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

August 2, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051356

I hereby certify that the foregoing Motion was APPROVED on August 2, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

AMENDMENT OF THE WHOLE
8/02/05

FILE NO. 050132 MOTION NO. M05-108

[Rules of Order – Material Economic Impact Legislation.]

Motion amending the Rules of Order of the Board of Supervisors to add Rule 6.25, which will provide a process for holding public hearings associated with legislation that might have a material economic impact on the City.

Note: This entire Rule is new.

~~FINDINGS:~~

~~1. At the November 2, 2004, consolidated general election, the voters of the City and County of San Francisco approved Proposition I, which created an Office of Economic Analysis under the Controller. The Office will be staffed by two economists, and such other staff as provided, subject to the budgetary and fiscal provisions of the City Charter.~~

~~2. Once the Office is established, it will identify and report on all legislation introduced at the Board of Supervisors that might have a material economic impact on the City, as determined by the Office. The Office's analyses shall address whether proposed legislation would promote or impede the policies contained in the most recent versions of the Economic Development Plan or Survey on Barriers to Employment Retention and Attraction. The Office shall submit an analysis to the Board of Supervisors within 30 days of receiving the subject legislation from the Clerk of the Board, unless the President of the Board grants 15 days of additional time (up to 45 days). The analysis must be submitted to the Board prior to the legislation being heard in committee.~~

~~3. In Proposition I the voters urged the Board of Supervisors to adopt all necessary rules and procedures for the full implementation of Proposition I, including a Rule providing that the Board shall not consider or hold hearings on any proposed legislation until it has received the Office's analysis on the impact of the legislation. The Board may waive this~~

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~~requirement by a two-thirds vote if it finds that the public interest requires the immediate consideration of the measure. Proposition I also allows the Board of Supervisors to amend the provisions of Proposition I to promote or better achieve the underlying goal of comprehensive and professional economic planning and analysis. This Rule amendment will provide guidance to the Office of Economic Analysis as to the level of review and analysis expected by the Board of Supervisors as the Office considers proposed legislation introduced at the Board of Supervisors.~~

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adds Rule 6.25 to its Rules of Order, to read as follows:

6.25. MATERIAL ECONOMIC IMPACT LEGISLATION GUIDELINES.

1. The Board of Supervisors hereby determines that the following items do not have material economic impact within the provisions of Proposition I, and will not require an analysis by the Office of Economic Analysis: commendations; proclamations; resolutions authorizing the acceptance and expenditure of grants from government agencies; resolutions that urge actions; all appointments to City boards, commissions, advisory committees and task forces; public hearings that have no accompanying legislation; resolutions that support or oppose legislation pending before other local, state, or federal legislative bodies or executives; and motions.

2. The Board of Supervisors hereby determines that categories of items that routinely do not have a material economic impact may be reviewed by the Office of Economic Analysis, but analyses will not be required if the reviewed items appear to be routine, and do not appear to have a material economic impact.

3. Rule 6.25 does not affect the Rule 5.39 requirements for fiscal impact reports by the Budget Analyst.

4. All other proposed legislation shall need review by the Office of Economic

Analysis, including the preparation of analyses.

From the date of receipt ~~T~~the Office of Economic Analysis shall have 30 days (*or up to 45 days as discussed later)* to submit an analysis to the Board of Supervisors. The 30 *(or up to 45)* days in which the Office of Economic Analysis has to submit an analysis shall run concurrently with the 30 day review period that the Clerk and the President may impose on legislation (Rule 5.40). ~~If the Board finds that In the case of a public emergency affecting life, health, property, or for the uninterrupted operation of any City or County department or office required to comply with time limitations as established by law public interest requires the immediate consideration of the measure, the Board it may, by a two-thirds vote, waive the prohibition on hearing an item before the Office of Economic Analysis report has been submitted.~~ The President of the Board of Supervisors may waive the requirement that the report by the Office of Economic Analysis must be received prior to an item being heard in committee. If the Office of Economic Analysis fails to submit the analysis by the deadline, including an extended deadline, the President shall waive the requirement that the report be submitted to the Board prior to the legislation being heard, and the Board may then act on the legislation without the report. If the President fails to issue the required waiver, then the Board of Supervisors, by motion approved by six votes, may waive the requirement that the report be submitted to the Board prior to the legislation being heard, and the Board may then act on the legislation without the report. Upon completion of a late report, the Office of Economic Analysis shall submit the report to the Clerk of the Board, who shall place it in the public files.

If the ~~Board~~ President (or a majority of the Board) waives the prohibition on hearing an item before the Office of Economic Analysis report has been submitted, the Office of Economic Analysis shall still submit an analysis to the Board within 30 *(or up to 45)* days. The Board must hold a public hearing on the report submitted by the Office of Economic Analysis.

The President of the Board may grant 15 days of additional time (for a total of up to 45 days) for the Office of Economic Analysis to submit an analysis to the Board of Supervisors.

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City and County of San Francisco

Tails

Motion

File Number: 050132 **Date Passed:** August 2, 2005

Motion amending the Rules of Order of the Board of Supervisors to add Rule 6.25, which will provide a process for holding public hearings associated with legislation that might have a material economic impact on the City.

July 26, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

August 2, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

August 2, 2005 Board of Supervisors — APPROVED AS AMENDED

Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly

File No. 050132

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on August 2, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

[Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the November 8, 2005 Election.]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 8, 2005 Election.

WHEREAS, The Board of Supervisors has approved several Charter Amendments and other Measures for submittal to the voters at the November 8, 2005 Election in the City and County of San Francisco; and

WHEREAS, The Board of Supervisors wishes to authorize the sponsors of the following Charter Amendments and other measures to submit and sign a written Proponent ballot argument and rebuttal ballot argument for submittal to the Director of Elections as follows:

Dividing appointments to the Municipal Transportation Agency's Board of Directors	Ammiano, Daly
Street Resurfacing Bond	Ammiano, Peskin
Moving Election Date of the Public Defender and Assessor/Recorder	Mirkarimi
Ethics Commission	Mirkarimi

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WHEREAS, The Board of Supervisors wishes to authorize the opponents of the following Charter Amendments and other measures to submit and sign a written Opponent ballot argument and rebuttal ballot argument for submittal to the Director of Elections as follows:

Dividing appointments to the Municipal Transportation Agency's Board of Directors	Alioto-Pier, Dufty, Elsbernd, Ma
Street Resurfacing Bond	Elsbernd, Ma
Ethics Commission	Elsbernd

WHEREAS, The Board Member(s) authorized to submit the Proponent and Opponent ballot arguments, will submit the argument to the Director of Elections no later than the deadline of noon, August 19, 2005, and the respective rebuttal ballot argument no later than noon, August 23, 2005; now, therefore, be it

MOVED, That the Board of Supervisors hereby authorizes the sponsors and designated opponents of each measure, as listed above, under the provisions of the San Francisco Elections Code Sections 530 and 550, to submit and sign a written Proponent ballot argument and respective rebuttal ballot arguments on their measures; and, be it

FURTHER MOVED, That the sponsors and opponents of measures submitted to the voters for the November 8, 2005 Election, who are authorized by this motion to submit arguments, may authorize or assign to any other person(s) under the provisions of the San Francisco Elections Code Sections 530 and 550 (c) and (d) the right to submit the proponent or opponent's ballot arguments and/or respective rebuttal arguments.

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Motion

File Number: 051388 **Date Passed:** August 9, 2005

Motion authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 8, 2005 Election.

August 9, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

August 9, 2005 Board of Supervisors — APPROVED AS AMENDED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 051388

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on August 9, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051323 MOTION NO. M05-110

[Preparation of findings related to the categorical exemption issued for 39 Chattanooga Street.]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 39 Chattanooga Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that a proposal to construct an addition to an existing single-family residence without off-street parking to accommodate two dwelling units and two parking spaces at 39 Chattanooga Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around June 13, 2005 ("determination"). A copy of the Certificate of Determination of Exemption/Exclusion from Environmental Review prepared by the Planning Department is on file with the Clerk of the Board of Supervisors in File No. 051320, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated July 6, 2005, Susan Brandt-Hawley Law on behalf of Chattanooga Street/Golden Fireplug Historic District Friends ("Appellants"), filed an appeal of the Planning Department's determination that a project at 39 Chattanooga Street is categorically exempt from environmental review under the California Environmental Quality Act ("CEQA"), which the Clerk of the Board of Supervisors received on or around July 11, 2005; and,

WHEREAS, On August 9, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination. Following the conclusion of the public hearing, the Board rendered a decision on the use of an exemption for this Project based on the written record before the Board in File No. 051320, which is hereby declared to be a part of this

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motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeal; and,

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now, therefore, be it

MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the use of an exemption for the Project at 39 Chattanooga Street.

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City and County of San Francisco

Tails

Motion

File Number: 051323 **Date Passed:** August 9, 2005

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 39 Chattanooga Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

August 9, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 051323

I hereby certify that the foregoing Motion was APPROVED on August 9, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051322 MOTION NO. M05-111

[Disapproving the categorical exemption issued for 39 Chattanooga Street.]

Motion disapproving the determination by the Planning Department that the 39 Chattanooga Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Planning Department determined that a proposal to construct an addition to an existing single-family residence without off-street parking to accommodate two dwelling units and two parking spaces at 39 Chattanooga Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around June 13, 2005 ("determination"). A copy of the Certificate of Determination of Exemption/Exclusion from Environmental Review prepared by the Planning Department is on file with the Clerk of the Board of Supervisors in File No. 051320, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated July 6, 2005, Susan Brandt-Hawley Law on behalf of Chattanooga Street/Golden Fireplug Historic District Friends ("Appellants"), filed an appeal of the Planning Department's determination that a project at 39 Chattanooga Street is categorically exempt from environmental review under the California Environmental Quality Act ("CEQA"), which the Clerk of the Board of Supervisors received on or around July 11, 2005; and,

WHEREAS, On August 9, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination; and,

WHEREAS, This Board has reviewed and considered the determination, the appeal letter, the responses to concerns document that the Planning Department prepared, and public testimony; and,

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WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors disapproves the determination by the Planning Department that the Project is exempt from environmental review.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 051322 **Date Passed:** August 9, 2005

Motion disapproving the determination by the Planning Department that the 39 Chattanooga Street project is categorically exempt from environmental review under the California Environmental Quality Act.

August 9, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 051322

I hereby certify that the foregoing Motion was APPROVED on August 9, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051227 MOTION NO. M05-112

[Affirm adoption of the negative declaration for 800 Brotherhood Way]

Motion affirming Planning Commission adoption of the final negative declaration for 800 Brotherhood Way.

WHEREAS, On October 30, 2004, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 800 Brotherhood Way in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On May 19, 2005, following a noticed public hearing, the Planning Commission by motion adopted a Final Mitigated Negative Declaration for 800 Brotherhood Way ("negative declaration") in accordance with Administrative Code Section 31.11(h). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 051226 and is incorporated by reference herein; and

WHEREAS, the Clerk of the Board received two appeals of the negative declaration, one from Julian P. Lagos on behalf of the Park Merced Residents Organization on June 17, 2005 and the other from several individuals and organizations on behalf of the Lakeshore Acres Improvement Club on June 20, 2005 ("Appellants"); and

WHEREAS, This Board of Supervisor's held a duly noticed public hearing on July 19, 2005, to consider the negative declaration appeal filed by Appellant; and

WHEREAS, This Board has reviewed and considered the negative declaration and heard testimony, the appeal letter, a responses to concerns document prepared by the Planning Department and received public comment regarding the adequacy of this document; and

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AUG 23 2005
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WHEREAS, The negative declaration files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; and

WHEREAS, Since the Planning Commission adoption of the negative declaration, there is no new information of significance that would require a substantial revision to the negative declaration and necessitate recirculation of said document pursuant to CEQA Guideline Section 15073.5; now, therefore, be it

MOVED, That this Board of Supervisors finds that the contents of the negative declaration and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Pub. Res. Code sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code Regs Title 14, sections 15000 et seq., ("CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and, be it

FURTHER MOVED, That based on substantial evidence in light of the whole record, this Board of Supervisors finds the negative declaration reflects its independent judgment and analysis and is adequate, accurate, and objective, and hereby affirms the decision of the Planning Commission to adopt the negative declaration in compliance with CEQA, the State CEQA Guidelines, and Chapter 31.

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City and County of San Francisco

Tails

Motion

File Number: 051227 **Date Passed:** August 16, 2005

Motion affirming Planning Commission adoption of the final negative declaration for 800 Brotherhood Way.

July 19, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

August 16, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin
Noes: 3 - Daly, Mirkarimi, Sandoval

File No. 051227

I hereby certify that the foregoing Motion was APPROVED on August 16, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051407 MOTION NO. M05-113

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
BOARD OF SUPERVISORS

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Tails

Motion

File Number: 051407 **Date Passed:** August 16, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

August 16, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051407

I hereby certify that the foregoing Motion was APPROVED on August 16, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051418 MOTION NO. M05-114

[Committee of the Whole]

Motion to sit as a Committee of the Whole on August 16, 2005 at 3:00 PM to hear File Number 051034 prohibiting the display of human remains without appropriate written authorization from the deceased or the deceased's next of kin.

MOVED, That the Board of Supervisors convene as a Committee of the Whole on August 16, 2005 at 3:00 PM to hear File Number 051034 prohibiting the display of human remains without appropriate written authorization from the deceased or the deceased's next of kin.

SUPERVISOR CHRIS DALY
BOARD OF SUPERVISORS

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City and County of San Francisco

Tails

Motion

File Number: 051418 **Date Passed:**

Motion to sit as a Committee of the Whole on August 16, 2005 at 3:00 PM to hear File Number 051034 prohibiting the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin.

August 16, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051418

I hereby certify that the foregoing Motion was APPROVED on August 16, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051441 MOTION NO. M05-115

[Motion adopting findings related to the categorical exemption issued for 39 Chattanooga Street.]

Motion adopting findings related to the determination by the Planning Department that the 39 Chattanooga Street project is categorically exempt from environmental review under the California Environmental Quality Act.

The Planning Department determined that a proposal to construct an addition to an existing single-family residence without off-street parking to accommodate two dwelling units and two parking spaces at 39 Chattanooga Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around June 13, 2005 ("determination"). A copy of the Certificate of Determination of Exemption/Exclusion from Environmental Review prepared by the Planning Department is on file with the Clerk of the Board of Supervisors in File No. 051441, and is incorporated by reference herein.

By letter to the Clerk of the Board of Supervisors dated July 6, 2005, Susan Brandt-Hawley Law on behalf of Chattanooga Street/Golden Fireplug Historic District Friends ("Appellants"), filed an appeal of the Planning Department's determination that a project at 39 Chattanooga Street is categorically exempt from environmental review under the California Environmental Quality Act ("CEQA"), which the Clerk of the Board of Supervisors received on or around July 11, 2005.

On August 9, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination. Following the conclusion of the public hearing, the Board reversed the Planning Department's decision to use an exemption/exclusion for the Project based on the written record before the Board in File No. 051322 which is hereby declared to be

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OCT 18 2005
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a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeal.

MOVED, That the Board of Supervisors has considered the written material and oral testimony presented by Appellants, the Planning Department and the public and finds that the record presented to the Board raises a number of questions about whether the Project may have a significant effect on the environment and in light of these questions the categorical exemption is not appropriate.

FURTHER MOVED, That the Board of Supervisors finds that the evidence presented raises questions about whether the project will materially alter in an adverse manner those physical characteristics of the structure at 39 Chattanooga Street that convey its historical singificance and justify its eligibility for inclusion in the California Register of Historical Resources, including, without limitation, the proposal to (1) rehabilitate the structure by raising the structure up to its original level in relationship to the street and moving it forward 10 feet, (2) expand the structure from an approximately 840 square foot one-story over basement to a 3,994 square foot structure with two units, (3) remove the original brick foundation, (4) relocate the ground story window and remove trim, and (4) remove and reposition the cove siding.

FURTHER MOVED, That the Board of Supervisors finds that the evidence presented raises questions about whether the asserted non-compliance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings will materially impair the eligibility of the structure for inclusion in the California Register of Historical Resources.

FURTHER MOVED, That the Board of Supervisors finds that the evidence presented raises questions about the appropriate period of significance to consider in this case.

FURTHER MOVED, That the Board of Supervisors finds that questions remain about

whether the Project will have significant aesthetic impacts due to the size and scale of the Project in relation to the street, neighborhood and surrounding structures.

FURTHER MOVED, The Board of Supervisors directs the Planning Department, in light of the findings set forth above and the whole record, to review the above questions and other information in the whole record that raise concerns about contradictory evidence in the record and the possibility that the project may have a significant environmental effect, and at the conclusion of that review, undertake such additional environmental review as is required and appropriate under the California Environmental Quality Act.

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City and County of San Francisco

Tails

Motion

File Number: 051441 **Date Passed:** September 6, 2005

Motion adopting findings related to the determination by the Planning Department that the 39 Chattanooga Street project is categorically exempt from environmental review under the California Environmental Quality Act.

August 12, 2005 Board of Supervisors — REFERRED: Board of Supervisors

September 6, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

File No. 051441

I hereby certify that the foregoing Motion was APPROVED on September 6, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051436 MOTION NO. M05-116

[Tentative Subdivision Map]

Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the proposed subdivision of Lot 015 in Assessor's Block 7518, located at 858 Duncan Street.

MOVED, That the decision of the Department of Public Works, dated August 1, 2005, affirming approval of Tentative Subdivision Map to legalize the proposed subdivision of a single parcel approximately 67.92 feet wide and 1140 feet deep, into 2 parcels described as:

858 Duncan Street; Lot 015, in Assessor's Block No. 7518,

be and the same is approved.

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Motion

File Number: 051436 **Date Passed:** September 6, 2005

Motion approving decision of the Director of Public Works, and approving Tentative Subdivision Map to legalize the proposed subdivision of Lot 015 in Assessor's Block 7518, located at 858 Duncan Street.

September 6, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

File No. 051436

I hereby certify that the foregoing Motion was APPROVED on September 6, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051438 MOTION NO. M05-117

[Findings]

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the proposed subdivision of Lot 015 in Assessor's Block 7518, located at 858 Duncan Street.

MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to the proposed subdivision project located at 858 Duncan Street, Lot 015, in Assessor's Block No. 7518, for consideration by the Board at its next meeting.

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Tails

Motion

File Number: 051438 **Date Passed:** September 6, 2005

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the proposed subdivision of Lot 015 in Assessor's Block 7518, located at 858 Duncan Street.

September 6, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

File No. 051438

I hereby certify that the foregoing Motion was APPROVED on September 6, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051450 MOTION NO. M05-118

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
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File Number: 051450 **Date Passed:** September 6, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

September 6, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Alioto-Pier, Daly, McGoldrick

File No. 051450

I hereby certify that the foregoing Motion was APPROVED on September 6, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051513 MOTION NO. M05-119

[Directing the Budget Analyst to conduct a management audit of the Emergency Communications Department – Emergency Services Coordination Program on a Priority Basis]

Motion amending the Schedule of Audits for the Budget Analyst and Directing the Budget Analyst to conduct a management audit of the Emergency Communications Department – Emergency Services Coordination Program and to perform this management audit as the next priority assignment.

WHEREAS, the Board of Supervisors of the City and County of San Francisco wishes to amend the Schedule of Management Audits to assign the Budget Analyst to conduct a management audit of the Emergency Communications Department – Emergency Services Coordination Program; now, therefore, be it

MOVED, That the Board of Supervisors hereby amends the Schedule of Management Audits and directs the Budget Analyst to conduct a management audit of the Emergency Communications Department – Emergency Services Coordination Program; and, be it

FURTHER MOVED, That the Budget Analyst is to conduct this management audit on a priority basis as the next management audit assignment, to be conducted simultaneously with the management audit of the Recreation and Parks Department.

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File Number: 051513 **Date Passed:** September 13, 2005

Motion amending the Schedule of Audits for the Budget Analyst and Directing the Budget Analyst to conduct a management audit of the Emergency Communications Department – Emergency Services Coordination Program and to perform this management audit as the next priority assignment.

September 13, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

File No. 051513

I hereby certify that the foregoing Motion was APPROVED on September 13, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051504 MOTION NO. M05-120

[Adopting findings related to the tentative subdivision map appeal on property located at 858 Duncan].

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative map to authorize the construction of an eighteen unit new condominium mixed-use project at 858 Duncan (Lot 015 in Assessor's Block 7518).

The appellant, Safira Court Homeowner's Association, filed a timely appeal on August 10, 2005 protesting the approval by the Department of Public Works of a tentative map to authorize the subdivision of Lot 015 in Assessor's Block 7518 at 858 Duncan Street. The public hearing before the Board of Supervisors on said appeal was scheduled for September 6, 2005. Neither the appellant nor any person on behalf of the appellant appeared at the hearing.

Following the conclusion of the public hearing on September 6, 2005, the Board approved the decision of the Department of Public Works, and approved the Tentative Subdivision Map to authorize the subdivision of Lot 015 in Assessor's Block 7518 at 858 Duncan Street, subject to all of the conditions imposed by the reviewing City Departments.

In reviewing the appeal of the approval of the tentative map this Board reviewed and considered the written record before the Board.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Department of Public Works, the Department of City Planning, and the Department of Building Inspection in their review and approval of the proposed tentative map. In particular, the Board finds that the tentative map complies with applicable provisions of the Planning Code. In addition, on balance, the tentative map is consistent with the General Plan and the priority Policies of Planning Code Section 101.1,

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OCT 18 2005
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based on the findings made in the record. The Board further notes that the proposed project received environmental review by the Planning Department, and that the Board further finds that there have been no substantial project changes, no substantial changes in project circumstances, and no new information of substantial importance that would change the conclusions reached in the environmental review.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, approved the decision of the Department of Public Works and approved the tentative map on property located at 858 Duncan Street (Lot 015 in Assessor's Block 7518), subject to all of the conditions imposed by the reviewing City Departments.

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City and County of San Francisco

Tails

Motion

File Number: 051504 **Date Passed:**

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative map to authorize the construction of an eighteen unit new condominium mixed-use project at 858 Duncan (Lot 015 in Assessor's Block 7518).

September 6, 2005 Board of Supervisors — REFERRED: Board of Supervisors

September 13, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Mirkarimi, Peskin, Sandoval

Absent: 2 - Maxwell, McGoldrick

File No. 051504

I hereby certify that the foregoing Motion was APPROVED on September 13, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051555 MOTION NO. M05-121

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Motion

File Number: 051555 **Date Passed:** September 20, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

September 20, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

File No. 051555

I hereby certify that the foregoing Motion was APPROVED on September 20, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051577 MOTION NO. M05-122

[Waiver Permitting City Employees to Assist the Department of Elections with the November 8, 2005 election.]

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 8, 2005 election.

WHEREAS, San Francisco Charter section 13.104.5 prohibits City employees and officers (other than the Director of Elections, an appointee of the Director of Elections or a member of the Elections Commission) from performing "any function relating to the conduct of an election;" and,

WHEREAS, Charter section 13.104.5 authorizes the Board of Supervisors, upon the request of the Elections Commission, to waive this prohibition by motion; and,

WHEREAS, On August 17, 2005 the Elections Commission requested that the Board of Supervisors waive this prohibition to permit City employees to assist the Department of Elections with the November 8, 2005 election; now, therefore, be it

MOVED, the Board of Supervisors waives the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections before, during and after the November 8, 2005 election.

Supervisor Peskin
BOARD OF SUPERVISORS

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Motion

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File Number: 051577 **Date Passed:** September 20, 2005

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the November 8, 2005 election.

September 20, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

File No. 051577

I hereby certify that the foregoing Motion was APPROVED on September 20, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051560 MOTION NO. M05-123

[Emergency Disadvantaged Business Enterprise Program – September 27, 2005, Committee of the Whole.]

Motion for the Board of Supervisors to convene as a committee of the whole on September 27, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

WHEREAS, A recent San Francisco Superior Court decision has resulted in the need for the City and County of San Francisco to consider immediately how best to implement a revised public contracting program to assist disadvantaged businesses conducting business with the City and County; and,

WHEREAS, The Board adopted by emergency ordinance an interim Disadvantaged Business Enterprise Program ("DBE"); and,

WHEREAS, The Board wishes to consider emergency legislation to reenact this DBE program in order to address the immediate need to avoid confusion and delay in public contracting, and September 27, 2005, is the next available meeting for Board consideration of this issue; and,

WHEREAS, Public testimony will be required before the Board may take any action on any proposed ordinances that would address this issue; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco shall hereby convene as a committee of the whole on September 27, 2005, to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program.

Supervisor Ma
BOARD OF SUPERVISORS

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Motion

File Number: 051560 **Date Passed:** September 20, 2005

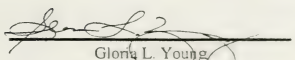
Motion for the Board of Supervisors to convene as a committee of the whole on September 27, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

September 20, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

File No. 051560

I hereby certify that the foregoing Motion was APPROVED on September 20, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 051512 MOTION NO. M05-124

[Amendment to Budget Analyst contract to exercise two year option.]

Motion approving exercising the first option set forth in the agreement for Professional Budget Analyst Services between the City and County of San Francisco and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Accountancy Corporation Certified Public Accountants; and Louie & Wong LLP Certified Public Accountants ("A Joint Venture") to extend the term of the Agreement from January 1, 2006 through December 31, 2007.

WHEREAS, the Board of Supervisors of the City and County of San Francisco wishes to hereby exercise the first option set forth in the agreement for professional services between the Board of Supervisors and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Accountancy Corporation Certified Public Accountants; and Louie & Wong LLP Certified Public Accountants - A Joint Venture, to extend the term of the Agreement from January 1, 2006 to December 31, 2007 ; now, therefore, be it

MOVED, That the Board of Supervisors hereby hereby amends its Agreement with the Budget Analyst Joint Venture to extend the term of the agreement from January 1, 2006 through December 31, 2007.

FURTHER MOVED, That the Clerk of the Board of Supervisors is authorized and directed to take all administrative steps necessary to carry out the intent of this motion.

Supervisor Peskin
BOARD OF SUPERVISORS

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City and County of San Francisco
Tails
Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 051512 **Date Passed:** October 11, 2005

Motion approving exercising the first option set forth in the agreement for Professional Budget Analyst Services between the City and County of San Francisco and Stanton W. Jones and Associates; Debra A. Newman; Rodriguez, Perez, Delgado & Company Certified Public Accountants; Harvey M. Rose Accountancy Corporation Certified Public Accountants; and Louie & Wong LLP Certified Public Accountants ("A Joint Venture") to extend the term of the Agreement from January 1, 2006 through December 31, 2007.

October 11, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Maxwell
Excused: 2 - Alioto-Pier, Sandoval

File No. 051512

I hereby certify that the foregoing Motion was APPROVED on October 11, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051631 MOTION NO. M05-125

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
BOARD OF SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 051631 **Date Passed:** October 11, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

October 11, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Alioto-Pier

File No. 051631

I hereby certify that the foregoing Motion was APPROVED on October 11, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051628 MOTION NO. M05-126

[Affirming the categorical exemption issued for 1070 Sanchez Street.]

Motion affirming the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Environmental Review Office of the San Francisco Planning Department issued a certificate of determination of exemption/exclusion from environmental review for the demolition of a single-family two-story residential structure and construction of a 2-unit four-story residential building at 1070 Sanchez Street ("Project") on March 28, 2005 (the "determination"). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 051627, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated September 22, 2005, Tracey Hughes filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around September 23, 2005; and,

WHEREAS, On October 18, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination; and,

WHEREAS, This Board has reviewed and considered the determination, the appeal letter, the responses to concerns document that the Planning Department prepared, and public testimony; and,

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

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MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt/excluded from environmental review.

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San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 051628 **Date Passed:** October 18, 2005

Motion affirming the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

October 18, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051628

I hereby certify that the foregoing Motion was APPROVED on October 18, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051630 MOTION NO. M05-127

[Preparation of findings related to the categorical exemption issued for 1070 Sanchez Street.]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Environmental Review Office of the San Francisco Planning Department issued a certificate of determination of exemption/exclusion from environmental review for the demolition of a single-family two-story residential structure and construction of a 2-unit four-story residential building at 1070 Sanchez Street ("Project") on March 28, 2005 (the "determination"). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 051627, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated September 22, 2005, Tracey Hughes filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around September 23, 2005; and,

WHEREAS, On October 18. 2005, this Board held a duly noticed public hearing to consider the appeal of the determination. Following the conclusion of the public hearing, the Board rendered a decision on the use of the exemption/exclusion for the Project based on the written record before the Board in File No. 051627 which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeal; and,

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now, therefore, be it

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MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the use of the exemption/exclusion for the 1070 Sanchez Street project.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 051630 **Date Passed:** October 18, 2005

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

October 18, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051630

I hereby certify that the foregoing Motion was APPROVED on October 18, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051723 MOTION NO. M05-128

[Designating the Committee on Parades.]

Motion designating the City Operations and Neighborhood Services Committee of the Board of Supervisors as the Committee on Parades.

San Francisco Police Code Section 371 requires the Board of Supervisors to designate, by motion, an appropriate committee of the Board to act as a "Committee on Parades" for the purposes set forth in the Police Code. An applicant for a parade permit under the Police Code may appeal the denial of an application for a parade permit, or the imposition of conditions on the issuance of a permit, to the Committee on Parades, if such appeal can be timely made. The Committee shall consider such appeal and may either concur in the action of the Chief of Police, or overrule such action and order that the permit be approved. If the Committee orders that a permit be approved, it shall have the authority to impose only such conditions as are recommended by the Chief of Police. The Board of Supervisors has not yet designated a Committee on Parades, as required by the Police Code.

MOVED, That the Board of Supervisors hereby designates the City Operations and Neighborhood Services Committee of the Board of Supervisors as the Committee on Parades, as required by Police Code Section 371.

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Tails

Motion

File Number: 051723 **Date Passed:** October 25, 2005

Motion designating the City Operations and Neighborhood Services Committee of the Board of Supervisors as the Committee on Parades.

October 25, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051723

I hereby certify that the foregoing Motion was APPROVED on October 25, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051732 MOTION NO. M05-129

[Committee of the Whole.]

Motion scheduling a Committee of the Whole on November 1, 2005, at 5:30 p.m. to hold a hearing to discuss the City's plan to end gun and gang violence in San Francisco.

WHEREAS, The City and County of San Francisco has been faced with an epidemic of violent murders in the city that demands citywide attention and a thorough plan to end gun and gang violence; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby schedules a Committee of the Whole on November 1, 2005, at 5:30 p.m. to hold a hearing to discuss the City's plan to end gun and gang violence in San Francisco.

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Supervisor Maxwell; Mirkarimi
BOARD OF SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 051732 **Date Passed:** October 25, 2005

Motion scheduling a Committee of the Whole on November 1, 2005, at 5:30 p.m. to hold a hearing to discuss the City's plan to end gun and gang violence in San Francisco.

October 25, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051732

I hereby certify that the foregoing Motion was APPROVED on October 25, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051712 MOTION NO. M05-130

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
BOARD OF SUPERVISORS

City and County of San Francisco
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Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 051712 **Date Passed:** October 25, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

October 25, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051712

I hereby certify that the foregoing Motion was APPROVED on October 25, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051746 MOTION NO. M05-131

[FINAL MAP, PLANNED DEVELOPMENT, MISSION BAY]

Motion approving Final Map, Planned Development, Mission Bay (Block N4), a five (5) lot subdivision, being a Planned Development of Assessor's Block 8704, Lots 1 and 2; approving a public improvement agreement related to the final map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan and Plan Documents.

MOVED, That the certain map entitled "FINAL MAP, PLANNED DEVELOPMENT, MISSION BAY, (N4) BEING PHASE THREE OF A PLANNED DEVELOPMENT SUBDIVISION OF ASSESSOR'S BLOCKS 8704, 8705, 8707 AND 8708 SHOWN ON THAT CERTAIN MAP ENTITLED 'MAP OF MISSION BAY' RECORDED ON JULY 19, 1999 IN BOOK Z OF MAPS AT PAGES 97-119, IN THE OFFICE OF THE RECORDER OF THE CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA AND BEING MORE PARTICULARLY A MERGER AND RESUBDIVISION OF SAID ASSESSOR'S BLOCK 8704, LOT 1 AND ASSESSOR'S BLOCK 8704, LOT 2 AS SAID LOT 2 IS DESCRIBED IN THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED ON NOVEMBER 26, 2003 IN BOOK I522, IMAGE 1318, IN THE OFFICE OF SAID RECORDER, CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA," comprising 5 sheets, approved October 19, 2005 by Department of Public Works Order No. 175,686 together with the Public Improvement Agreement for Mission Bay North Blocks 8704/1 and 8704/2 (N4), dated October 19, 2005 between the City and County of San Francisco and FOCIL – MB, LLC are hereby approved and said map is adopted as an Official Final Map of Mission Bay for Assessor's Block 8704, Lots 1 and 2; and be it

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FURTHER MOVED, That certain public improvements necessitated by the approval of the Final Map have not been completed at this time, therefore the City and the developer have entered into a Public Improvement Agreement for Mission Bay North Block N4, dated October 19, 2005, between the City and County of San Francisco and FOCIL-MB, LLC., a copy of which is in Clerk of the Board File No. 051746, and the Board hereby approves this agreement; and be it

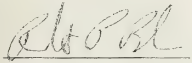
FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the City Planning Department, by its letter dated February 05, 2001, that the proposed subdivision is consistent with the objectives and policies of the General Plan and the Eight Priority Policies of Section 101.1 of the Planning Code; and be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the San Francisco Redevelopment Agency, by its letter dated February 12, 2001, that the proposed subdivision is consistent with the Mission Bay North Redevelopment Plan and Plan Documents (as such term is defined therein); and be it

FURTHER MOVED, That the San Francisco Board of Supervisors hereby authorizes the Director of the Department of Public Works to enter all necessary recording information on the Final Map and authorizes the Clerk of the Board of Supervisors to execute the Clerks statement as set forth herein; and be it

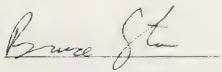
FURTHER MOVED, That approval of this map is also conditioned upon compliance by the subdivider with all applicable provisions of the Mission Bay Subdivision Code and amendments thereto.

RECOMMENDED:



Robert P. Beck
Acting Director of Public Works

DESCRIPTION APPROVED:



Bruce Storrs L.S. 6914
My License Expires September 30, 2007
City and County Surveyor
City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 051746 **Date Passed:** November 1, 2005

Motion approving Final Map, Planned Development, Mission Bay (Block N4), a five (5) lot subdivision, being a Planned Development of Assessor's Block 8704, Lots 1 and 2; approving a public improvement agreement related to the final map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay North Redevelopment Plan and Plan Documents.

November 1, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051746

I hereby certify that the foregoing Motion was APPROVED on November 1, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051817 MOTION NO. M05-182

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
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City and County of San Francisco

Tails

Motion

File Number: 051817 **Date Passed:** November 8, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

November 8, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, Daly

File No. 051817

I hereby certify that the foregoing Motion was APPROVED on November 8, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051829 MOTION NO. M05-133

[Emergency Disadvantaged Business Enterprise Program – November 15, 2005, Committee of the Whole.]

Motion for the Board of Supervisors to convene as a committee of the whole on November 15, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

WHEREAS, A recent San Francisco Superior Court decision has resulted in the need for the City and County of San Francisco to consider immediately how best to implement a revised public contracting program to assist disadvantaged businesses conducting business with the City and County; and,

WHEREAS, The Board adopted by emergency ordinance an interim Disadvantaged Business Enterprise Program ("DBE"); and,

WHEREAS, The Board wishes to consider emergency legislation to reenact this DBE program in order to address the immediate need to avoid confusion and delay in public contracting, and November 15, 2005, is the next available meeting for Board consideration of this issue; and,

WHEREAS, Public testimony will be required before the Board may take any action on any proposed ordinances that would address this issue; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco shall hereby convene as a committee of the whole on November 15, 2005, to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program.

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City and County of San Francisco
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Motion

City Hall
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File Number: 051829 **Date Passed:** November 8, 2005

Motion for the Board of Supervisors to convene as a committee of the whole on November 15, 2005, at 4:00 p.m. to accept public testimony concerning the possible adoption of an emergency ordinance reenacting a Disadvantaged Business Enterprise Program set forth in Chapter 14A of the San Francisco Administrative Code; suspending Chapter 12D.A; providing for data collection to ensure nondiscrimination in City contracting; and adopting a declaration of emergency.

November 8, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, Daly

File No. 051829

I hereby certify that the foregoing Motion was APPROVED on November 8, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051446 MOTION NO. M05-134

[Affirm certification of 491 Bayshore Boulevard (Home Depot) FEIR]

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project.

WHEREAS, Home Depot U.S.A., Inc.(the "Project Sponsor") is proposing to construct a 140,000 square foot store with an attached 585 parking space garage at 491 Bayshore Boulevard (the "Project"); and

WHEREAS, the Project Sponsor applied for a site permit on January 23, 2001 (City Planning File No. 2001.0062ED); and

WHEREAS, The Planning Department for the City and County of San Francisco (the "Department") determined that an Environmental Impact Report ("EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on March 9; 2002; and

WHEREAS, On March 29,2003, the Department published the Draft Environmental Impact Report ("DEIR") for the Project; and

WHEREAS, On July 10, 2003, the Commission held a duly noticed public hearing on the DEIR, at which time opportunity for public comment was received on the DEIR and written comments were received through July 11, 2003; and

WHEREAS, The Department prepared responses to comments received at the public hearing on the DEIR and submitted in writing to the Department, prepared revisions to the text of the DEIR and published a Draft Summary of Comments and Responses on June 28, 2003, and

WHEREAS, A Final Environmental Impact Report ("FEIR") for the Project was prepared by the Department, consisting of the DEIR, any consultations and comments

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received during the review process, any additional information that became available and the Draft Summary of Comments and Responses, all as required by law; and

WHEREAS, On July 28, 2005, the Commission reviewed and considered the FEIR and, by Motion No. 17071, found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code; and

WHEREAS, By Motion No. 17071, the Commission found the FEIR to be adequate, accurate and objective, reflected the independent judgment and analysis of the Department and the Commission and that the Summary of Comments and Responses contained no significant revisions to the DEIR, adopted findings relating to significant impacts associated with the Project and certified the completion of the FEIR in compliance with CEQA and the State CEQA Guidelines; and

WHEREAS, On July 28, 2005, by Motion No. 17072, the Commission approved the Project; and

WHEREAS, On August 11, 2005, Sue Hestor, on behalf of Cole Hardware filed an appeal of the FEIR with the Clerk of the Board of Supervisors; and

WHEREAS, The Board of Supervisors held a public hearing on September 27, 2005 to review the decision by the Planning Commission to certify the FEIR; and

WHEREAS, the FEIR files and all correspondence and other documents have been made available for review by the Board of Supervisors, the Planning Commission and the public; these files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before the Board of Supervisors; and

WHEREAS, this Board has reviewed and considered the FEIR and heard testimony and received public comment regarding the adequacy of the FEIR; now, therefore, be it

MOVED, That this Board of Supervisors hereby affirms the decision of the Planning Commission in its Motion No. 17071 to certify the FEIR and finds the FEIR to be complete, adequate and objective and reflecting the independent judgment of the City and in compliance with CEQA and the State CEQA Guidelines.

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 051446 **Date Passed:** November 8, 2005

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 491 Bayshore Boulevard (Home Depot) Project.

September 27, 2005 Board of Supervisors — CONTINUED
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

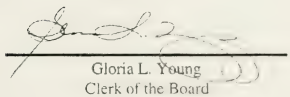
October 25, 2005 Board of Supervisors — CONTINUED
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

November 1, 2005 Board of Supervisors — CONTINUED
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

November 8, 2005 Board of Supervisors — APPROVED
Ayes: 6 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Peskin
Noes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval

File No. 051446

I hereby certify that the foregoing Motion was APPROVED on November 8, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 051744 MOTION NO. M05-135

[Adopting findings related to affirming the categorical exemption for 755-22nd Avenue]

Motion adopting findings affirming the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

The Planning Department determined that a proposal to demolish a single-family two-story residential structure and construct a 2-unit four-story residential building at 1070 Sanchez Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around March 28, 2005 ("determination"). By letter to the Clerk of the Board of Supervisors dated September 22, 2005, Tracey Hughes filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around September 23, 2005.

On October 18, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination and following the public hearing affirmed the determination of the Planning Department that the Project is categorically exempt from CEQA.

In reviewing the appeal of the categorical exemption determination, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the determination made by the Planning Department on March 28, 2005

FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the

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conclusions set forth in the determination by the Planning Department that the proposed Project is exempt/excluded from environmental review.

FURTHER MOVED, That after carefully considering the appeal of the categorical exemption, including the written information submitted to the Board and the public testimony presented to the Board at the hearing on October 28, 2005, this Board concludes that the Project qualifies for a categorical exemption under Classes 1 and 3, as a demolition of a single family residence and construction of a duplex in an urban area, under CEQA Guidelines Section 15301(l) and 15303(b).

FURTHER MOVED, that the Board finds that there are no special circumstances present in this case that would require the preparation of a negative declaration or an environmental impact report for the Project under the California Environmental Quality Act and CEQA Guidelines for the following reasons:

1. The record does not contain substantial evidence to support the assertion that the structure is in an historic district. Although there is evidence of historic buildings in the area, no evidence exists at this time that demonstrates that these buildings are related in ways that would tie these buildings together into a district, what the boundaries of such a district would be and whether this building is located within the area.

2. The record does not contain substantial evidence to support the assertion that the structure is an historic resource. Even if an historic district were identified in the area of the building in the future, the building would not be a contributory resource to the historic district.

3. The proposed building is compatible with the prevailing architecture in the area and therefore, would not detract from any historic resources in the general area.

4. The property owners presented adequate assurances that the project will not result in the removal of or endanger the survival of the Norfolk Pine tree on the property.

5. Although the project is designed to preserve and protect the tree, in the event the project caused damage or harm to the Norfolk Pine tree, such damage or harm would not be a significant impact under CEQA as the tree is neither a rare nor endangered species

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File Number: 051744 **Date Passed:** November 8, 2005

Motion adopting findings affirming the determination by the Planning Department that the 1070 Sanchez Street project is categorically exempt from environmental review under the California Environmental Quality Act.

October 24, 2005 Board of Supervisors — REFERRED: Board of Supervisors

November 1, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 8, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051744

I hereby certify that the foregoing Motion was APPROVED on November 8, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051804 MOTION NO. M05-134

[Preparation of findings related to the categorical exemption issued for the Medical Cannabis Dispensary ordinances.]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Medical Cannabis Dispensary ordinances are categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, The Environmental Review Office of the San Francisco Planning department issued a certificate of determination of exemption/exclusion from environmental review for the Medical Cannabis Dispensary ordinances on August 25, 2005 (the "determination). A copy of said document is on file with the Clerk of the Board of Supervisors in File No.051801, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated October 21, 2005, Bill Barnes ("Appellant") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around October 21, 2005; and,

WHEREAS, On November 15, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination. Following the conclusion of the public hearing, the Board rendered a decision on the use of the exemption/exclusion for the project based on the written record before the Board in File No. 051801 which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeal; and,

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now, therefore, be it

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Moved: That this Board of Supervisors directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the use of the exemption/exclusion for the Medical Cannabis Dispensary ordinances.

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Tails

Motion

File Number: 051804 **Date Passed:** November 15, 2005

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Medical Cannabis Dispensary ordinances are categorically exempt from environmental review under the California Environmental Quality Act.

November 15, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

File No. 051804

I hereby certify that the foregoing Motion was APPROVED on November 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051802 MOTION NO M05-137

[Affirming the categorical exemption issued for the Medical Cannabis Dispensary ordinances.]

Motion affirming the determination by the Planning Department that the Medical Cannabis Dispensary ordinances are categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, The Environmental Review Office of the San Francisco Planning department issued a certificate of determination of exemption/exclusion from environmental review for the Medical Cannabis Dispensary ordinances on August 25, 2005 (the "determination). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 051801, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated October 21, 2005 Bill Barnes ("Appellant") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around October 21, 2005; and,

WHEREAS, On November 15, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination; and,

WHEREAS, This Board has reviewed and considered the determination, the appeal letter, the responses to concerns document that the Planning Department prepared, and public testimony; and,

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street; and are part of the record before this Board by reference herein; now, therefore, be it

Moved, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt/excluded from environmental review.

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Motion

File Number: 051802 **Date Passed:** November 15, 2005

Motion affirming the determination by the Planning Department that the Medical Cannabis Dispensary ordinances are categorically exempt from environmental review under the California Environmental Quality Act.

November 15, 2005 Board of Supervisors — APPROVED

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

File No. 051802

I hereby certify that the foregoing Motion was APPROVED on November 15, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051225 MOTION NO. [illegible]

[Preparation of findings related to the categorical exemption issued for 899 North Point Street.]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Environmental Review Office of the San Francisco Planning Department issued a certificate of determination of exemption/exclusion from environmental review for the demolition of a vacant gas station and construction of a 5-unit residential building at 899 North Point Street ("Project") on April 22, 2005 (the "determination"). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 051222, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 17, 2005, Stephen M. Williams filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around June 17, 2005; and,

WHEREAS, On July 26, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination. Following the conclusion of the public hearing, the Board rendered a decision on the use of the exemption/exclusion for the Project based on the written record before the Board in File No. 051222 which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeal; and,

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now, therefore, be it

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MOVED. That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the use of the exemption/exclusion for the 899 North Point Street project.

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Motion

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File Number: 051225 **Date Passed:** November 22, 2005

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act.

July 26, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

August 9, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

September 20, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

October 11, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

October 25, 2005 Board of Supervisors — CONTINUED

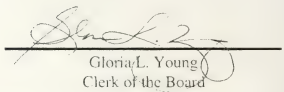
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Maxwell

File No. 051225

I hereby certify that the foregoing Motion was APPROVED on November 22, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 051868 MOTION NO. M05-139

[Final Map for a 5 Unit Commercial/Residential Condominium Project]

Motion approving Final Map of 5700 Mission Street, A Commercial/Residential Condominium Project, being a subdivision of Lot 001 in Assessor's Block No. 7109, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 5700 Mission Street, a Commercial/Residential Condominium Project," being a subdivision of Lot 001, in Assessor's Block No. 7109, comprising 5 sheets, approved the 2nd Day of November 2005 by Department of Public Works Order No. 175 722, be and the same is hereby approved and adopted as the Official Map of 5700 Mission Street, a Mixed Use Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated October 26, 2004, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

Bruce R. Storrs, P.L.S.
County Surveyor

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Motion

File Number: 051868 **Date Passed:** November 22, 2005

Motion approving Final Map of 5700 Mission Street, a Commercial/Residential Condominium Project, being a subdivision of Lot 001 in Assessor's Block No. 7109, and adopting findings pursuant to Planning Code Section 101.1.

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051868

I hereby certify that the foregoing Motion was APPROVED on November 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051867 MOTION NO. M05-142

[Final Map for a 20 Unit Residential Condominium Project]

Motion approving Final Map of 900 Gilman Avenue, A Residential Condominium Project, being a subdivision of Lot 019 in Assessor's Block No. 4936, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 900 Gilman Avenue, a Residential Condominium Project," being a subdivision of Lot 019, in Assessor's Block No. 4936, comprising 6 sheets, approved the 2nd Day of November 2005 by Department of Public Works Order No. 175 721, be and the same is hereby approved and adopted as the Official Map of 900 Gilman Avenue, a Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated November 24, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

Bruce R. Storrs, P.L.S.
County Surveyor

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Motion

File Number: 051867 **Date Passed:** November 22, 2005

Motion approving Final Map of 900 Gilman Avenue, a Residential Condominium Project, being a subdivision of Lot 019 in Assessor's Block No. 4936, and adopting findings pursuant to Planning Code Section 101.1.

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Ahoto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051867

I hereby certify that the foregoing Motion was APPROVED on November 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051790 MOTION NO. [illegible]

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
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City and County of San Francisco

Tails

Motion

File Number: 051790 **Date Passed:** November 22, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051790

I hereby certify that the foregoing Motion was APPROVED on November 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051781 MOTION NO

[Approving decision of the Director of Public Works and approving the Tentative Parcel Map for 554 Valley Street.]

Motion approving the decision of the Director of Public Works, approving the Tentative Parcel Map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block 6611, and making environmental and General Plan findings.

WHEREAS, The Planning Department determined that the Tentative Parcel Map is in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.) and is consistent with the City's General Plan and priority policy findings of Planning Code Section 101.1. Said determination is on file with the Clerk of the Board of Supervisors in File No. 051780 and is incorporated herein by reference and

WHEREAS, The Department of Public Works, in a decision dated October 20, 2005, approved a Tentative Parcel Map to subdivide an existing lot into two legal lots of record at 554 Valley Street, Lot 081 in Assessor's Block No. 6611. Said determination is on file with the Clerk of the Board of Supervisors in File No. 051780 and is incorporated herein by reference now, therefore, be it

MOVED, That the Board hereby adopts as its own the Planning Department's environmental findings and findings of consistency with the General Plan and Planning Code Section 101.1; and, be it

FURTHER MOVED, That the Board approves the decision of the Department of Public Works concerning the Tentative Parcel Map and hereby approves said Map.

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Tails

Motion

File Number: 051781 **Date Passed:** November 22, 2005

Motion approving the decision of the Director of Public Works, approving the Tentative Parcel Map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block 6611, and making environmental and General Plan findings.

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Absent: 2 - Ammiano, Sandoval

File No. 051781

I hereby certify that the foregoing Motion was APPROVED on November 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051493 MOTION NO 17063

[Approving Planning Commission decision related to Conditional Use Appeal for 1353-1355 Bush Street]

Motion approving decision of the Planning Commission by its Motion No. 17063, approving Conditional Use Application 2004.0130CV on property located at 1353–1355 Bush Street, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the decision of the Planning Commission by its Motion No. 17063 dated July 14, 2005 authorizing a conditional use authorization pursuant to Application No. 2004.0130CV subject to certain conditions, for a use size in excess of 3,000 square feet, for a music training facility ("MUSIC CITY"), with a full-service restaurant and bar, with live entertainment, also requiring a variance for off-street parking and usable open space (pursuant to conversion of "Tourist" hotel rooms to "Residential" hotel rooms), in the Polk Street Neighborhood Commercial District and in a 65-A Height and Bulk District, on property located at:

1353– 1355 Bush Street, south side between Larkin and Polk Streets, with additional frontage on Fern Street; Lot 13, Assessor's Block 669,

be and the same is approved.

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Motion

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File Number: 051493 **Date Passed:** November 22, 2005

Motion approving decision of the Planning Commission by its Motion No. 17063, approving Conditional Use Application 2004.0130CV on property located at 1353–1355 Bush Street, and adopting findings pursuant to Planning Code Section 101.1.

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

File No. 051493

I hereby certify that the foregoing Motion was APPROVED on November 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051223 MOTION NO.

[Affirming the categorical exemption issued for 899 North Point Street]

Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act.

WHEREAS, the Environmental Review Office of the San Francisco Planning Department issued a certificate of determination of exemption/exclusion from environmental review for the demolition of a vacant gas station and construction of a 5-unit residential building at 899 North Point Street ("Project") on April 22, 2005 (the "determination"). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 051222, and is incorporated by reference herein; and,

WHEREAS, By letter to the Clerk of the Board of Supervisors dated June 17, 2005, Stephen M. Williams filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around June 17, 2005; and,

WHEREAS, On July 26, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination; and,

WHEREAS, This Board has reviewed and considered the determination, the appeal letter, the responses to concerns document that the Planning Department prepared, and public testimony; and,

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

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MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Project is exempt/excluded from environmental review.

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City and County of San Francisco

Tails

Motion

File Number: 051223 **Date Passed:** November 22, 2005

Motion affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act

July 26, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

August 9, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

September 20, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Elsbernd

October 11, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

October 25, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Daly, Maxwell

File No. 051223

I hereby certify that the foregoing Motion was APPROVED on November 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051741 MOTION NO M05-145

[Affirm adoption of the negative declaration for 680 Illinois Street/2075 Third Street]

Motion affirming Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street.

WHEREAS, On July 30, 2005, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for a project at 680 Illinois Street/2075 Third Street consisting of the demolition of two warehouse/garage structures and construction of 35 dwelling units and 7,000 square feet of retail/commercial space plus parking in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On September 22, 2005, following a noticed public hearing, the Planning Commission by motion adopted a Final Mitigated Negative Declaration for 680 Illinois Street/2075 Third Street ("negative declaration") in accordance with Administrative Code Section 31.11(h). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 051740 and is incorporated by reference herein; and,

WHEREAS, The Clerk of the Board received an appeal by Mark R. Wolf on behalf of the Carpenters Union Local 22 and Tom McCarthy on October 19, 2005 ("Appellants"); and

WHEREAS, This Board of Supervisor's held a duly noticed public hearing on November 15, 2005, to consider the negative declaration appeal filed by Appellants; and

WHEREAS, This Board has reviewed and considered the negative declaration and heard testimony, the appeal letter, a responses to concerns document prepared the by Planning Department and received public comment regarding the adequacy of this document and

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WHEREAS, The negative declaration files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; and

WHEREAS, Since the Planning Commission adoption of the negative declaration there is no new information of significant that would require a substantial revision to the negative declaration and necessitate recirculation of said document pursuant to CEQA Guidelines Section 15073.5; now, therefore, be it

MOVED, That this Board of Supervisors finds that the contents of the negative declaration and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code Regs., Title 14, Section 15000 et seq., ("CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and, be it

FURTHER MOVED, That based on substantial evidence in light of the whole record, this Board of Supervisors finds the negative declaration reflects its independent judgment and analysis and is adequate, accurate, and objective, and hereby affirms the decision of the Planning Commission to adopt the negative declaration in compliance with CEQA, the State CEQA Guidelines, and Chapter 31.

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File Number: 051741 **Date Passed:** November 22, 2005

Motion affirming Planning Commission adoption of the final negative declaration for 680 Illinois Street/2075 Third Street.

November 15, 2005 Board of Supervisors — CONTINUED

Ayes: 7 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin
Noes: 1 - Ma
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Elsbernd

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Mirkarimi

File No. 051741

I hereby certify that the foregoing Motion was APPROVED on November 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051722 MOTION NO. M05-196

[Motion to Establish a Select Committee on Ending Gun and Gang Violence Pursuant to Board of Supervisors Rules of Order, Rule 5.26]

Motion to establish a Select Committee on Ending Gun and Gang Violence pursuant to Board of Supervisors Rules of Order, Rule 5.26.

MOVED, That, pursuant to Rule 5.26, the Board of Supervisors hereby establishes a Select Committee on Ending Gun and Gang Violence to hear public testimony, evaluate current City coordination and strategies, and propose policies, programs, and budgetary actions necessary to end gun and gang violence in San Francisco; and, be it

FURTHER MOVED, That the Select Committee shall terminate one year from appointment of its membership, unless extended by the Board of Supervisors.

Supervisors Maxwell, Mirkarimi, Ma
BOARD OF SUPERVISORS

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City and County of San Francisco

Tails

Motion

File Number: 051722 **Date Passed:** November 22, 2005

Motion to establish a Select Committee on Ending Gun and Gang Violence pursuant to Board of Supervisors Rules of Order, Rule 5.26.

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 2 - Dufty, McGoldrick

File No. 051722

I hereby certify that the foregoing Motion was APPROVED on November 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051872 MOTION NO. M05-247

[Adopting findings related to affirming the exemption determination issued for the Medical Cannabis Dispensary Code Amendments.]

Motion adopting findings related to affirming the determination by the Planning Department that the Medical Cannabis Dispensary Code Amendments are exempt from environmental review under the California Environmental Quality Act.

The Planning Department determined that proposed ordinances regulating Medical Cannabis Dispensaries ("Project") were exempt from the California Environmental Quality Act ("CEQA") on or around August 25, 2005 ("determination"). By letter to the Clerk of the Board of Supervisors dated October 21, 2005, Bill Barnes filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around October 21, 2005.

On November 15, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination and following the public hearing affirmed the determination of the Planning Department that the Project is exempt from CEQA.

In reviewing the appeal of the exemption determination. this Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the appeal. Following the conclusion of the public hearing the Board affirmed the Planning Department's exemption determination for the Medical Cannabis Dispensary Code Amendments based on the written record before the Board as well as all of the testimony at the public hearing on the appeal. Said Motion and written record is in the Clerk of the Board of Supervisors File No. 051802 and is incorporated herein as though set forth in its entirety.

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In regard to said decision, this Board made certain findings specifying the basis for its decision to affirm the Planning Department's approval of the determination for the Medical Cannabis Dispensary Code Amendments based on the whole record before the Board including the written record in File No. 051801, which is hereby declared to be a part of this motion as if set forth fully herein; the written submissions to and official written records of the Planning Department determination related to the Medical Cannabis Dispensary Code Amendments, the official written and oral testimony at and audio and video records of the public hearing in support of and opposed to the appeal and deliberation of the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the appeal of the categorical exemption.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the determination made by the Planning Department on August 25, 2005.

FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the determination by the Planning Department that the proposed Project is exempt/excluded from environmental review.

FURTHER MOVED, That after carefully considering the appeal of the categorical exemption, including the written information submitted to the Board and the public testimony presented to the Board at the hearing on November 15, 2005, this Board concludes that the Project qualifies for a general rule exclusion under CEQA Guidelines Section 15061(b)(3) for the reasons stated in the August 25, 2005 determination of the Planning Department and for

the additional reasons stated in the November 8, 2005, memorandum of the Planning Department to the Board of Supervisors.

FURTHER MOVED, that the Board finds that appellants presented no substantial evidence that special circumstances exist that would require the preparation of a negative declaration or an environmental impact report for the Project under the California Environmental Quality Act and CEQA Guidelines.

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City and County of San Francisco

Tails

Motion

File Number: 051872 **Date Passed:** November 22, 2005

Motion adopting findings related to affirming the determination by the Planning Department that the Medical Cannabis Dispensary Code Amendments are exempt from environmental review under the California Environmental Quality Act.

November 16, 2005 Board of Supervisors — REFERRED: Board of Supervisors

November 22, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051872

I hereby certify that the foregoing Motion was APPROVED on November 22, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051786 MOTION NO. 17117

[Disapproving Planning Commission decision related to Conditional Use Appeal for 80 West Portal Avenue]

Motion disapproving decision of the Planning Commission by its Motion No. 17117, approving Conditional Use Application 2005.0698C on property located at 80 West Portal Avenue.

MOVED, That the decision of the Planning Commission by its Motion No. 17117 dated October 6, 2005 (Case No. 2005.0698C), approving, subject to certain conditions, a conditional use authorization pursuant to Planning Code Section 729.53 to establish mortgage brokerage as a business or professional service (Guarantee Mortgage), in a vacant ground floor commercial space approximately 2,318 gross square feet in the West Portal Avenue Neighborhood Commercial District and 26-X Height and Bulk District, on property located at 80 West Portal, within the West Portal Avenue Neighborhood Commercial District, Lot 008 in Assessor's Block 2931,

be and the same is disapproved.

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Tails

Motion

File Number: 051786 **Date Passed:** December 6, 2005

Motion disapproving decision of the Planning Commission by its Motion No. 17117, approving Conditional Use Application 2005.0698C on property located at 80 West Portal Avenue.

November 22, 2005 Board of Supervisors — CONTINUED

Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

December 6, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051786

I hereby certify that the foregoing Motion was APPROVED on December 6, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051787 MOTION NO. M05-477

[Findings - 80 West Portal Avenue]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2005.0698C on property located at 80 West Portal Avenue, for action by the Board at its next meeting.

IT IS HEREBY MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to proposed Conditional Use Application No. 2005.0698C on property located at 80 West Portal Avenue, for action by the Board at its next meeting.

Clerk of the Board
BOARD OF SUPERVISORS

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Tails

Motion

File Number: 051787 **Date Passed:** December 6, 2005

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2005.0668C on property located at 80 West Portal Avenue, for action by the Board at its next meeting

November 22, 2005 Board of Supervisors — CONTINUED

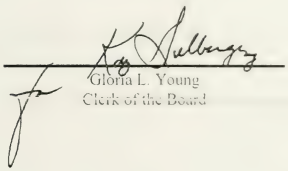
Ayes: 9 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 2 - Ammiano, Sandoval

December 6, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051787

I hereby certify that the foregoing Motion was APPROVED on December 6, 2005 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

FILE NO. 051800 MOTION NO. M05-150

[Canceling January 3, 2006, Board meeting.]

Motion canceling January 3, 2006, meeting of the Board of Supervisors.

WHEREAS, The Board of Supervisors wishes to cancel the regularly scheduled meeting of the Board of Supervisors on January 3, 2006; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco cancels its January 3, 2006, meeting; and, be it

FURTHER MOVED, That the Board of Supervisors directs the Clerk of the Board to reschedule to the Board meeting of January 10, 2006, any items, including any special orders that would have been scheduled for the January 3, 2006, Board meeting.

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City and County of San Francisco

Tails

Motion

File Number: 051800 **Date Passed:** December 6, 2005

Motion canceling January 3, 2006, meeting of the Board of Supervisors.

December 6, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

File No. 051800

I hereby certify that the foregoing Motion was APPROVED on December 6, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051950 MOTION NO.

[Adopting findings related to affirming the categorical exemption issued for 899 North Point Street.]

Motion adopting findings related to affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act.

The Planning Department determined that a proposal to demolish a vacant gas station building and construct a new four-story, five-unit residential building at 899 North Point Street ("Project") was categorically exempt from the California Environmental Quality Act ("CEQA") on or around April 22, 2005 ("determination"). By letter to the Clerk of the Board of Supervisors dated June 17, 2005, Stephen M. Williams ("Appellant") filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around June 17, 2005; and,

WHEREAS, following several continuances requested by Mr. Williams, on November 22, 2005, this Board held a duly noticed public hearing to consider the appeal of the determination and following the public hearing affirmed the determination of the Planning Department that the Project is categorically exempt from CEQA.

In reviewing the appeal of the categorical exemption determination, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the appeal. Following the conclusion of the public hearing, the Board affirmed the Planning Department's categorical exemption determination for 899 North Point Street based on the written record before the Board as well as all of the testimony at the public hearing in support of and opposed to the appeal. Said Motion and written record is in the Clerk of the Board of Supervisors File No. 051222 and is incorporated

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herein as though set forth in its entirety.

In regard to said decision, this Board made certain findings specifying the basis for its decision to affirm the Planning Department's approval of the determination for 899 North Point Street based on the whole record before the Board including the written record in File No. 051223, which is hereby declared to be a part of this motion as if set forth fully herein; the written submissions to and official written records of the Planning Department determination related to the 899 North Point Street project; the official written and oral testimony at and audio and video records of the public hearing in support of and opposed to the appeal and deliberation of the oral and written testimony at the public hearing before the Board of Supervisors by all parties and the public in support of and opposed to the appeal of the categorical exemption.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the determination made by the Planning Department on April 22, 2005.

FURTHER MOVED, That the Board of Supervisors finds that based on the whole record before it there are no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the determination by the Planning Department that the proposed Project is exempt/excluded from environmental review.

FURTHER MOVED, That after carefully considering the appeal of the categorical exemption, including the written information submitted to the Board and the public testimony presented to the Board at the hearing on November 22, 2005, this Board concludes that the Project qualifies for a categorical exemption under CEQA Guidelines Section 15303(b) as a project for construction of a residential structure totaling no more than six dwelling units in an urbanized area and is also exempt from environmental review under the General Rule

Exclusion, CEQA Guidelines Section 15061(b)(3) because the record supports the Planning Department's conclusion that there is no possibility that the activity in question may have a significant effect on the environment.

FURTHER MOVED, That the Board finds no special circumstances present in this case that would require the preparation of a negative declaration or an environmental impact report for the Project under the California Environmental Quality Act and CEQA Guidelines for the following reasons: (1) the project will not result in any modification to any historic resources and will not materially or visually impact the nearby historic Ghirardelli Square because the project is within the scale and height of the adjacent square; (2) the project will have no negative aesthetic impact on the neighborhood as it will result in removal of a vacant gasoline station and result in a residential structure compatible with the neighborhood; and (3) the record supports the conclusion of the Department of Public Health that the site has been thoroughly analyzed for hazardous substances and no hazardous constituents are found on the site that pose a risk for residential use.

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City and County of San Francisco

Tails

Motion

File Number: 051950 **Date Passed:** December 6, 2005

Motion adopting findings related to affirming the determination by the Planning Department that the 899 North Point Street project is categorically exempt from environmental review under the California Environmental Quality Act

November 29, 2005 Board of Supervisors — REFERRED: Board of Supervisors

December 6, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

File No. 051950

I hereby certify that the foregoing Motion was APPROVED on December 6, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051900 MOTION NO. [illegible]

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Daly, Peskin, McGoldrick, Maxwell, Dufty, Mirkarimi
BOARD OF SUPERVISORS

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City and County of San Francisco

Tails

Motion

File Number: 051900 **Date Passed:** December 6, 2005

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program

December 6, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051900

I hereby certify that the foregoing Motion was APPROVED on December 6, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051940 MOTION NO. M05-183

[Adopting findings related to the tentative parcel map appeal on property located at 554 Valley].

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative parcel map for a 2-lot subdivision project located at 554 Valley Street (Lot 081 in Assessor's Block 6611).

The appellant, Betty Jean Wilkinson, filed a timely appeal on October 28, 2005 protesting the approval by the Department of Public Works of a tentative parcel map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block 661. The public hearing before the Board of Supervisors on said appeal was held on November 22, 2005

Following the conclusion of the public hearing on November 22, 2005, the Board approved the decision of the Department of Public Works, and approved the tentative parcel map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block 661, subject to all of the conditions imposed by the reviewing City Departments.

In reviewing the appeal of the approval of the tentative map this Board reviewed and considered the written record before the Board.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Department of Public Works, the Department of City Planning, and the Department of Building Inspection in their review and approval of the proposed tentative map. In particular, the Board finds that the tentative map complies with applicable provisions of the Planning Code. In addition, on balance, the tentative map is consistent with the General Plan and the priority Policies of Planning Code Section 101.1 based on the findings made in the record. The Board further notes that the proposed project received environmental review by the Planning Department, and that the Board further finds

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that there have been no substantial project changes, no substantial changes in project circumstances, and no new information of substantial importance that would change the conclusions reached in the environmental review.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, approved the decision of the Department of Public Works and approved the tentative parcel map for a 2-lot subdivision project located at 554 Valley Street, Lot 081 in Assessor's Block 661, subject to all of the conditions imposed by the reviewing City Departments.

City and County of San Francisco

Tails

Motion

File Number: 051940 **Date Passed:** December 6, 2005

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative parcel map for a 2-lot subdivision project located at 554 Valley Street (Lot 081 in Assessor's Block 6611).

November 29, 2005 Board of Supervisors — REFERRED: Board of Supervisors

December 6, 2005 Board of Supervisors — APPROVED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Absent: 1 - Sandoval

File No. 051940

I hereby certify that the foregoing Motion was APPROVED on December 6, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 051906 MOTION NO. M05-184

[Appointment - Police Commission]

Motion confirming the Rules Committee's nominations of, and appointing, David Campos, term ending April 30, 2006, and Petra DeJesus, term ending April 30, 2009, to the San Francisco Police Commission.

MOVED, that the Board of Supervisors of the City and County of San Francisco hereby confirms the Rule Committee's nomination of, and appoints, David Campos, term ending April 30, 2006, and Petra DeJesus, term ending April 30, 2009, to the San Francisco Police Commission, consistent with Section 4.109 of the City Charter.

David Campos, succeeding Peter Keane, resigned, seat 2, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a two-year term ending April 30, 2006.

Petra DeJesus, succeeding Gayle Orr-Smith, resigned, seat 3, must be nominated by the Rules Committee or its successor and subject to confirmation by the Board of Supervisors, for the unexpired portion of a four-year term ending April 30, 2009.

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Tails

Motion

File Number: 051906 **Date Passed:** December 13, 2005

Motion confirming the Rules Committee's nominations of, and appointing, David Campos, term ending April 30, 2006, and Petra DeJesus, term ending April 30, 2009, to the San Francisco Police Commission.

December 13, 2005 Board of Supervisors — APPROVED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051906

I hereby certify that the foregoing Motion was APPROVED on December 13, 2005 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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